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THE
RIGHTS
OF
SOVEREIGNS
AND
SUBJECTS.

By Father PAUL the *Venetian*, Author of
The History of the Council of Trent.

Translated from the *Italian*, and compared with
the *French.*

To which is prefix'd the

LIFE of the AUTHOR,
AND AN
Account of his Writings.

LONDON:

Printed for J. GRAVES in *St. James's-street*, C. KING
in *Westminster-Hall*, W. MEADOWS in *Cornhill*,
and J. HOOKE in *Fleetstreet*. MCCXXII.

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and J. Hodge in Pall-mall, MDCCLXXI.



To the Right Honourable
Sir PETER KING Kt.
LORD CHIEF JUSTICE
OF THE
COMMON-PLEAS.

And one of His MAJESTY'S
Most Honourable Privy-Council.

MY LORD,



BOOKS, according to the
observation of the famous
Lord *Verulam*, ought to
have for their patrons
TRUTH and REASON. These are two
such

DEDICATION.

such establish'd qualities in the writings of *Father PAUL the Venetian*, that I may venture to affirm, no *Popish* writer ever had a more favourable reception in the libraries of the most distinguish'd Protestants, whether for learning, virtue, or titles; inso-much that tho' the translators of that learned Frier's compositions have, notwithstanding all their correctness, been oblig'd to own how far they have fallen short of the dignity of his sublime originals, yet they have been honour'd with the patronage of some of the most illustrious advocates for the reformation.

Being equally conscious, my LORD, of my own deficiency in this respect, I presumed to beg your Lordship to allow me to inscribe the following translation to your great name; and in the humblest sense of duty

DEDICATION.

duty and gratitude for your indulging me that honour, I take this opportunity of your Lordship's vacation from the more momentous affairs of state, to submit it to your kind protection and most favourable construction.

The excellent author of it, tho' one of the brightest ornaments of the Church of *Rome*, was so much hated by the Pope and his Courtiers, that they not only traduc'd him as a heretic, but martyr'd him in effigie, and even employ'd cut-throats to take away his life; which made the good Father say more than once, *That those who set them at work, would find him a more formidable adversary after he was dead, than ever he was whilst living*; a saying, my LORD, fully verif'd in the ensuing treatise.

I take

DEDICATION.

I take leave to observe to your Lordship, that Father P A U L having compos'd it to take off the panic of the *Venetians*, under the excommunication and interdict which was laid upon them by the Pope, intitl'd it, *The Comfort of the Mind in the good Conscience and Conduct of the Venetians, under the pretended Interdict of Pope Paul V*; but the author having a general view at the same time to fortify all christian Princes and States with such arguments against the usurpations of ambitious ecclesiastics, as are calculated for all meridians, protestant as well as popish, the title of *The Rights of Sovereigns and Subjects* was deem'd more expressive of its design, and more suitable for an *English* translation.

As daily experience shews how well your Lordship is vers'd in the

rights

DEDICATION.

rights both of *Sovereigns* and *Subjects*, so that profound knowledge you have discover'd of the scriptures and the fathers, as well as of the laws of the realm, when those *rights* have call'd for your defence, demonstrate that you have the abilities both of a lawyer and a divine. Father P A U L too made such a noble stand under both those characters, for the liberties of his country, that his memory must needs be grateful to your Lordship upon that particular account, as well as for his vast learning, wisdom, integrity, and moderation; virtues which are so resplendent in your Lordship, that they cannot but naturally incline you to have a more than ordinary esteem for all persons adorn'd with those amiable qualities.

My LORD, I beg pardon for taking up so much of your time; but
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DEDICATION.

the entrance of the new year puts me in mind that I am oblig'd by duty, as I am sway'd by inclination, not to conclude without wishing you the happy enjoyment of this and many more to come. Whether such a wish in itself may be agreeable to your Lordship I know not; but if it be a fault, 'tis what every one is guilty of who wishes well to his country. And of this number I take leave to subscribe my self,

Your Lordship's

Most devoted,

Most obedient, and

Most humble Servant,

Stephen Whatley.



THE
L I F E
O F
F A T H E R P A U L.

THE chief materials for this great man's life are extracted from the account given of him by his constant friend and companion father Fulgentio, which has been printed and reprinted in Italian, and other foreign languages; but the only English translation we have of it, is that prefix'd by Sir-N. Brent to Father Paul's History of the Council of Trent, the same word for word with that incorrect, unintelligible edition printed at London in 1651, which the person of quality himself that translated it owned to be obscure, by too closely persuing the literal sense of the Italian, and thereby confounding the idioms of both languages, which is a fault that the translator of this work has carefully avoided.



Father Paul was born at Venice on the 14th of August, anno 1552. His father was Francesco di Pietro Sarpi, originally of the province of Friuli, who, tho' of a war-like temper, followed merchandize in that city,
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and traded to the *Levant* ; but had such ill success, as reduced him to a low condition. His mother was *Isabella Morelli* (of an honest family in *Venice*) who, after her husband's death, put on a religious habit, was famous for her principles of religion, and extraordinary piety, and dy'd of the contagion in the year 1576.

She left only this son and a daughter, who were both taken care of by their mother's brother, *Ambrosio Morelli*, a titular priest of the collegiate convent of *St. Hermagora*, who taught grammar and rhetoric to several noblemen's children, afterwards able senators ; and was so successful with his nephew in particular, that he soon became a mighty proficient in, and master of the more solid arts and nobler studies of logic and philosophy.

He had what is very rarely known in one and the same person, a great memory and a profound judgment, both which his uncle took care to apply to their proper exercise. He manag'd his judgment, by keeping him to continual composings with more strictness perhaps than was convenient for his childhood, and weak constitution ; and he exercised his memory, not only by forcing him to repeat many things by heart, but some upon the very first hearing. The fathers of the convent admired his uncommon thirst after learning, and reported wonderful things of his memory ; but he told them his uncle had never made him repeat more than thirty verses out of *Virgil*, or any other classic poet, at a time, after one cursory reading. He made such an unexpected progress in philosophy, and theology too, that his master confess'd he had outran his abilities to teach him ; for he maintain'd arguments with so much subtilty of reason, that his tutor was often forced to change his own opinion. He began also
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in his childhood to learn the mathematics, together with the *Greek* and *Hebrew* tongues, from eminent masters then at *Venice*.

By continual conversation and study with them, he became desirous to enter into the order of *Servi*, or *Servants of the Virgin Mary*, a religious society instituted at *Florence* about the year 1232, and was received into the Habit on the 24th of *November* 1566, when he was but 14 years of age; tho' his mother and his uncle oppos'd it all they could, out of a desire to make him a priest of their convent.

Before he was of age, he was singled out in a public assembly of his society, that met usually for preaching and disputations, to answer and defend a hundred and eighteen of the most difficult propositions in theology or philosophy, which he performed with wonderful success and applause, insomuch that he was taken notice of by *William* then duke of *Mantua*, a prince of profound skill in the sciences; who requested father *Paul's* superiors to let him enter into the fraternity of *St. Barnabas* of *Mantua*; and honoured him with the title of his chaplain, at the same time that the bishop of *Mantua* made him lecturer of the cathedral, in which he read positive divinity, cases of conscience, and the sacred canons; and gave such extraordinary content, that even to this day they have a common saying at *Mantua*, *non videra mai un fra Paolo*, we shall never have another frier *Paul*. He attained here to a greater perfection in the *Hebrew* than he had done at *Venice*. His attendance at court, and upon the duke, made him see the necessity of his understanding history, in which he continued such a course of study, and made such a progress as can scarce be parallel'd; for his way was in this, as well as in all his other studies, when he encountered with any point of history

tory or learning, or any problem or theorem, he would persue it without intermission, till, by confronting of authors, places, times and opinions, he had seen all that was to be seen on the subject, and was satisfy'd how far the knowledge of it might be carry'd. He was so intent and indefatigable in his studies, that tho' he us'd to spend eight hours a day in his closet, yet upon a new thought he often rose from table, and even from his bed at midnight; and his most intimate friends observed, that when he was come to years of maturity, he would spend a whole day and night together upon a mathematical problem, or other speculation, without leaving it, till he could say, *O, l'zo pur vinta; O, pui non ci voglio pensare.* I have overcome it; or I'll think no more on't. And yet this great man was so modest, that he would never write any thing for publication, unless the good of the publick extorted it from him.

His favourite companion at *Mantua* was *Camillo Olivo*, who had been secretary to *Hercules* cardinal *de Gonsaga* of *Mantua*, who was *legat* in the council of *Trent*. From him the Father pick'd out the secret of that famous council, and learnt most of those particulars that are to be found in his celebrated history of the said council.

All men of learning that came to the duke's court loved to discourse with frier *Paul*; because (tho' still young) they found him so perfect in all the sciences, that as he treated of them separately, each seem'd to be his master-piece. He had such a ready wit, that the duke would often come unexpected to the public disputations, and command him to argue on some puzzling thesis, which perhaps he never thought on before. He had such a prodigious memory, that wherever he came, all the images, even

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of the minutest things he saw, were too deeply imprinted to be cancelled by new appearances; and his friends would sometimes ask him how it was possible he could take notice of such trifles. He read all books of note that came out, and could remember the very page where he had observ'd any thing, though of very little moment; but so modest was he, that when any praised him for this noble talent, he call'd it an imperfection and an excellent weakness, saying he took no greater care than ordinary in reading, or his observations, but that his great passibility and imperfection was the reason of his retention, because the object was not only moving in him, but every little relick and idea of it continued it.

He was so incomparably skilled in the mathematics, that whatsoever is extant of ancient or modern writers, who have treated on that subject, was the least part of what he knew; but he had a just contempt for astrology.

He was the author of several mathematical inventions, but would fain have conceal'd it from the world, particularly that called the two manners of *Pulsiglio*, and the instrument for distinguishing the variation of heat and cold; and when one of those perspectives, call'd *Galilean* from the inventor, was presented to the government of *Venice*, and refer'd to the Father's examination, he knew the use of it, and the whole secret of its composition, before it was permitted to be open'd, as *Galileo* himself own'd. Nay, he made mathematical and astronomical instruments with his own hands, and, by giving out models to artists, made the workmanship so easy and plain, that one would have thought he had had both the heavens and earth in his head. He found out the means to solve all the phenomena of

the *Copernican* system with one only motion, but in vain inquired after workmen to make an instrument for discerning it; the want of which is matter of great lamentation to the curious.

His fame in religion made him to be so much importuned by his friends and superiors, who wanted to make use of his labours in their profession; and his genius was so averse to a court life, that, with the duke of *Mantua's* favour and approbation, he retired from his court.

Beside his skill in human literature, logic, philosophy, theology, and all the mathematics, he was perfectly well vers'd in the common law, understood a great deal of the civil, was well acquainted with medicin, anatomy, botany and mineralogy, and had a sufficient understanding of divers tongues, beside the *Latin, Greek, Hebrew, and Chaldean*; all which knowledge united in a person of riper years would have been very surprizing; but our Father had not yet exceeded 22, at which age he was consecrated priest.

He went that year to *Milan*, whither he was sent for by cardinal *Borromeo* (afterwards sainted by the name of *St. Carlo*) who was then purging the churches and cloisters from ignorant and vicious confessors. He made use of him, contrary to his inclination, to hear confessions in the churches, had an uncommon esteem for him, and took great delight in his company.

It happened that before he left the dutchy of *Mantua*, he was prosecuted by the inquisition there, for maintaining that the article of the trinity could not be deduced from the first chapter of *Genesis*; but he excepted against the judge, not only because he was of the accusers party, but for his unacquaintedness

tedness with the *Hebrew* language; appealed to *Rome*, obtained a *Noli prosequi*, without being once examin'd, and had the inquisitor severely reprimanded for his ignorance.

Being called homewards by the affairs of his native country, and the instances of his friends, all his seniors were ready to own him their superior; and having gone thro' the degrees appointed by the laws of his order, as student, batchelor, and master (which is equivalent to the title of doctor of divinity) and having been admitted a member of the then most famous college of *Padua* in 1578, he was next year with universal applause created provincial (which is the title they gave to the readers of divinity lectures) with the additional quality of regent. His judgment was so unbiass'd, that he would never receive the smallest bribe, nor admit of the least delay of justice, and withal so solid, that not one of the numerous decisions he made was thought fit to be repealed by any superior court. In his government he banished all factions and particularities, and none had ever any cause to complain of him, except some indifferent persons that promised themselves more of his friendship than he gave them reason to expect. He established such excellent orders and customs in his province at his first entrance upon it, and so dextrously managed affairs, that those of the greatest intricacy and difficulty were brought for solution to him, as to the oracle of the republick, in confidence that he would soon loose the knot, or that it would be vain for any body else to attempt it; and of all the numberless affairs that passed thro' his hands, none were so involv'd in difficulty, but his more than human wit found a way to the bottom of them.

He was scarce 27 years of age when he was made provincial of his order, a dignity never confer'd upon any so young before. In this year, *viz.* 1579, a general chapter of the whole order was held in *Parma*, when it was decreed that three of the most learned, pious and prudent men, should be chose out of the whole order of *Servi*, to make new constitutions for regulation thereof; and one of these was our frier *Paul*, who was but a youth, compared with the venerable and hoary hairs of the other two. Their chief business was to accommodate the forms of their judgments with the sacred canons, as they were reformed by the council of *Trent*; but because our Father had a more exquisite knowledge of the canon and civil laws, and of conciliary determinations, they referred this particular entirely to him, and he alone accommodated the matter and form of judgments to the monastic state, with so much conciseness, clearness and solidity, that those who were most conversant in matters of judicature, admir'd it as the performance of one that had spent his whole life in nothing but the study of the laws of his order.

When he had ended this charge of provincialship, and eased his shoulders of so great a burden, he had three years retirement, which he said was the truest repose he ever enjoyed in his life. During this, he gave himself totally to speculations of natural things, proceeding at length to experimental operations, by transmuting and distilling all sorts of metals, except gold; the possibility of which he always ridiculed. In short, he was such a master of the sciences, as is hardly credible; for there was no admir'd effect, no occult property, nothing either written or experimented, which he had not seen or examin'd; and he found out many secrets both in

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art and nature, of which other persons of the profession, to whom they were communicated, have had the credit of being the first inventors.

He so well understood the anatomy of the eye, that the famous *Aquapendente* did not disdain to quote his authority in his lectures and printed book *de visu*; the whole of which treatise, at least so much of it as contains the choicest and newest speculations and experiments in optics, is ascribed to Father Paul, according to the testimonies of *Sanctorio*, and *Peter Asselineau*, a Frenchman.

Aquapendente was however a very great man; and when he mention'd the Father, he spoke of him as of the oracle of the age. And that good man *Asselineau* never talk'd of him without lifting up his hands, and uttering words to this effect. *Oh, how many things have I learnt of Father Paul in anatomy, minerals and simples! His is a pure soul, in which there shines candor, an excellency of nature, and an ignorance of doing any thing but well.* In short, he was such a master of the several professions above-mention'd, that he made inventions and discoveries enough for an entire volume.

But the fame of his capacity for government forced him away from the sweet retirement, which he had enjoy'd for three years, into a field of labour and fatigue both of body and mind; for at a general chapter he was, by common consent, created procurator or proctor general of the court, which was the next dignity of his order to the general, and conferred upon none in those days, but such as were men of exquisite prudence and uncommon learning; it being an office which required those that bore it, to manage all disputes with the court of *Rome* in matters relating to the order, to pray before the Pope on particular days appointed for that

that order, and to read public lectures upon wisdom, and maintain causes in the pope's congregations.

In the three years that he dwelt in *Rome*, the Pope, finding by the incomparable prudence with which he treated of church affairs, that he had abilities and a disposition for greater things, ordered him to be entered into several congregations, where there was occasion to discourse upon important and nice points of doctrine. At these meetings he first got acquainted with father *Bellarmin*, who was afterwards a cardinal, and had a respect for him as long as he liv'd. There it was he also fell in company with one of the ten companions of *Ignatius*, the founder of the Jesuits, whom he told very frankly, that if *Ignatius* was to return into the world, he would not know the society of *JESUS*, they were so much altered. It is remarkable that our Father was in the good graces of cardinal *Santa Severina*, protector, a man of such an odd temper, that not a mortal upon earth had his good word; for if any body assented to what he ever said, he call'd them poor spirited flattering wretches; and if they did but oppose or contradict him, then they were malapert and insolent. Pope *Sixtus V.* frequently employ'd him, not only in congregations, but other affairs; and one day, being in his pontifical litter, he called the Father to him, and discours'd with him a good while in the street, which was mightily taken notice of by the court: Every body talk'd how much he was in the Pope's favour, and some prick'd him down immediately for a cardinal, which tho' he never desired, nor was, yet the bare report of it rais'd him a world of envy, and, in the sequel, no little trouble. This Pope's successor *Urban VII.* liked him so well, that he thought he could not see him

him often enough. The Father having occasion to go to *Naples*, to sit president, as vicar general at the chapters, and to make the visitation, he grew acquainted with that famous wit *Gio. Battista Porta*, who makes very honourable mention of Father Paul in one of his printed works, and particularly of his specular perspective.

One of the first disturbances given to Father Paul, was thro' the means of *Gabriel Collison*, to whose counsel and directions he referred his friends when he first set out from *Venice*, and with whom he had joined formerly, in redressing the grievances which certain persons, abusing the power they were vested with, had tyrannically imposed upon the weaker part of the subjects. But this *Gabriel* prov'd afterwards such a lover of his own interest, that during the three years of the Father's absence from his country, he, by his extortion, had raised himself to absolute dominion, and feared nothing so much as the Father's return to *Venice*, who he was sure, from the constant experience he had of his uncorrupted integrity, would abhor his practices. To prevent the Father's return, he endeavoured to persuade him by his own letters, and those of his dear friends, that he was in a very fair way to great preferment at court, and that he had better stay at *Rome* to advance his fortune. But the Father in his letter testify'd his abhorrence of court favours, which he said were generally obtained by such vile methods, that he had much rather be without them: Mean time *Gabriel* sent the letter to cardinal *Santa Severina* the protector, whom he had corrupted in his favour; and when the Father returned home, after the three years of his office were expired, he found not only *Gabriel*, but the cardinal too his mortal enemy; and the latter being at the same time chief of the inquisition,

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tho' he did not think fit to exert the authority of that office against the Father, yet he sought to give him all the vexation possible, by putting his friends into that court, and proceeding against them by methods so unusual and base, that *Fulgentio*, who wrote our Father's Life, forbears to mention many of them, for fear of giving the world too great a scandal. One of them, which however he could not help taking notice of, is this :

There was at *Venice* one frier *Julio*, a man of an unblameable life and conversation, who had for many years been confessor and mass-priest in the convent of *St. Hermagora*. This good old man, who had likewise been confessor to Father *Paul's* mother, maintain'd him, till he was superannuated, in his cloathing, and the charge of his journies and books (the monastery defraying his other expences.) But so spiteful were our Father's enemies, that, to shorten his poor, though satisfactory allowance, they drew up devilish informations against the good old frier, and got the patriarch *Priuli*, not only to deprive him of the liberty of confessing, but to banish him as far as *Bologna*; upon which Father *Paul* was obliged, in meer love to the poor innocent man, to take a journey to *Rome*, where he solicited, and obtained his return to *Venice*.

Father *Paul* not only understood the canonical laws and decrees, but when and why they were made; and in the matter of benefices, which is a subject so various and intricate, he knew all the reasons, controverted progresses, and alterations; and besides all this theory, he had seen the practice of many congregations and tribunals, and their precedents.

As to the knowledge of men, he scarce had his fellow; for 'tis in a manner incredible how far he could penetrate into their temper and behaviour, from being but once in their conversation, insomuch that those even of his own order raised a report, which has been since aggravated by his enemies, that he had a familiar spirit. This penetrating faculty gave him the happy means of treating with all sorts of persons to their satisfaction; for as a perfect musician judges of his instrument by the first touch, so by making men speak, he presently knew their ends, their interests, and resolutions, and what would be their answers; consequently, he was never at a loss for the most proper ones himself; so that of all who treated with him, from the highest to the lowest, seldom any left him without admiration.

He was as well versed in sacred and prophane history, as if his fancy had been the scene in which the parts were acted.

The particular proofs of his skill in the mechanics are enough for a volume, and to make the reader think he understood nothing else. He would talk of perspective, and other glasses, forty years after his exercising himself in that study, as readily as if he had just come from reading *Halazen*, *Vitellio*, or others of that profession.

When Father *Paul* was returned from *Rome* to his monastery, he constantly attended the divine offices, and what time he could spare from his public and private devotion, he spent in study, except when he had avocations to serve the republic with his counsels. About this time he wrote some essays in natural philosophy, physick, and the mathematics, which he review'd afterwards, and set to nought as childish performances; tho' master *Fulgentio* affirms, that

that if men of learning had seen them, they would not have reckon'd them puerilities.

In 1587 there happened such a dispute betwixt Pope *Sixtus V.*, and the Duke of *Tuscany*, about the election of a new general of the order of *Servi*, that the Pope order'd the Father to go to *Bologna*, where he staid some months to settle that affair; and in all controverted points his opinion was approved of, tho' the auditors themselves used to be the arbitrators in matters of judicature.

When he returned to *Venice*, he was generally in the assemblies of the most learned and noble personages of his own and foreign countries, and of the regular and secular clergy, who met to dispute on various subjects, with no other view but to find out truth. Here our Father argued upon all manner of subjects without premeditation, and with such ease that every one was surprized; yet afterwards, in his riper age, when he was put in mind of those exercises, he would smile at them as the performances of a school-boy.

The civil wars in *France* breaking out in his time, he was pleased to hear such as could give account of them, was curious to know how the world went as long as he liv'd in it, and form'd so good a judgment of what news he heard, that it made men wonder, and court his opinion as if he had been a prophet. He was always a man of few words, but those were pithy and sententious. He was acute, but not scornful in his repartees, and with a dexterity, like *Socrates*, delighted to make discoveries of others abilities, which he called *helping them to bring forth*; and this dexterity *Fulgentio* ascribes to his being so vers'd in all sorts of learning, that he was able to follow every one in his own element; for whatever

was the subject he discours'd on, such strangers as heard him, went away perswaded that it was his chief profession and favourite study. When he met with persons eminent in any art or science, he had a happy modest way of getting out of them what was possible to be known, without discovering the least impertinence or troublesome curiosity; but he was fondest of conversing with travellers, himself having once had a great desire to visit foreign countries.

The Father, and his friends, had frequent meetings at *Padua*, at the house of *Vicenzo Pinelli*, which was the receptacle of the muses, and an academy of all the virtues in his time. Signior *Pinelli* called him *il miracolo de questo secolo*, the wonder of his times; and being ask'd by *Ghetaldi*, one of the greatest men of *Ragusa*, in what profession? said, in whatever you please. *Ghetaldi* try'd his skill in the mathematics, and was so astonish'd at his reasonings, that he said he never believ'd it possible for a man to know so much in any one profession, and desir'd not only to contract a strict friendship, but to compare notes with him as long as he liv'd.

But now, says *Fulgentio*, came the time when the pureness of the gold was to be try'd by the touchstone; for it pleased God to draw the Father out of his haven of rest into a tempestuous sea of fresh troubles.

Father *Paul* was a second time complain'd of to the inquisition at *Rome* by Signior *Gabriel*, already mention'd, who pretended that he held a correspondence with the *Jews*. And at the same time he stir'd up a nephew of his, called *Maestro Santo*, to accuse him to the inquisition at *Venice*, of having deny'd

ny'd the assistance of the holy spirit ; because, when a chapter of his order waited for divine inspiration, the Father reply'd, it was fitter to operate by humane means. But the tribunals, both at *Rome* and *Venice*, having examined witnesses, thought the complaints so unjust, that they enter'd a *Noli prosequi* upon both accusations, without giving Father *Paul* the trouble of putting in his answer. The court of *Rome* had a jealousy all the while that the Father was an enemy to their greatness, but were at a loss how to fix any charge against him upon the score of religion.

There were some who the rather suspected the Father's integrity, because he had been often complain'd of to the inquisition ; but in answer to this, his friend *Fulgentio* made this pertinent remark, that *Ignatius*, afterwards canoniz'd for a saint, was put into the inquisition no less than nine times, and was cited and examined, tho' at last acquitted ; whereas our Father was complain'd of to the said court but three times, and with so little foundation, that he was not once cited or examined.

As to his communication with heretics, tho' not a tittle of it was prov'd, yet it made such an impression on Pope *Clement VIII*, that he bore him a grudge for it a long time after ; insomuch that the Father being proposed to the bishoprick of *Nerva*, the Pope, tho' he own'd him to be a man of learning and great abilities, added, that he deserv'd no preferment from the Church, for his dealings with heretics ; a charge which had no manner of foundation, but the Father's general converse with the many eminent men of all countries and professions, that came to *Venice* either upon business or meer curiosity, and who were fond of discoursing with
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one so able as he was to give them satisfaction in all the arts and sciences.

The Father was moreover obliged, not only by the terms of civility, but by strict canonical rules, not to shun the company of any, but such as were nominally and individually condemned by the Church. Nevertheless, when any *German, Frenchman*, or the like, visited the Father, *Oltramontana* was the word, and they immediately concluded them to be heretics.

By such gradations as these, divine providence began to inure the Father to the injurious calumnies of the court of *Rome*; and, in the progress of his life, for being a faithful servant to his God, his Country, and the Church, his constant piety and invincible patience were sufficiently try'd.

The domestic troubles of the republic, which lasted many years with implacable heat on both sides, gave the Father sufficient occasion to shew the wonderful command of his temper in all events, as well as his mildness in never giving or retaliating offences, and his singular wisdom in making every thing in his power contribute towards a pacification; but his virtue was unsuccessful, because he neither pleased those of his own side, not even the General of his Order, nor yet the Cardinal Protector. And the hot heads of his own party term'd his serenity of mind lukewarmness.

The Father was so desirous to see an end put to the divisions, that in 1597, he chose for that very purpose to go to *Rome*, notwithstanding what he had to fear from the Cardinal of *Sta Severina*, who was at that time head of the office of inquisition; but the Cardinal, contrary to his expectation, courted his friendship, and prevailed with him to be reconciled in like manner to *Gabriel*, which the Father

was the rather induced to, because he knew that if he could but please the Cardinal, all would be well.

Then he returned to *Venice*, where he liv'd quietly for six years more, and studied moral philosophy. He wrote such notes on *Plato* and *Aristotle*, as plainly shew that he put them down either as memorandums, or else as materials for a future treatise; but our author *Fulgentio* inclines to believe the first, because he always thought he should never live twelve months to an end. He also commented upon the fathers, school-men, and sciences, and upon simples, minerals, and mechanics. Several very learned men sent to him for his opinion in the most abstruse parts of the sciences, and especially of the mathematics, and courted his judgment whenever they made any new discoveries. He wrote many little tracts of moral philosophy, which he used to carry about with him, together with the sentences and documents of the most ancient celebrated writers. *Fulgentio*, who saw three of them, says they were as elaborate as *Plutarch's*, that the first apply'd those aphorisms to the cure of the mind, which are prescribed for the health of the body. That the second treated of the rise of our opinions, and their variation; and the third of atheism, shewing it to be repugnant to humane nature; and that they who acknowledge not a true deity, must of necessity feign to themselves false ones. He made such a strict scrutiny into his own heart, that he also wrote an examination of his defects, which were invisible to every eye but his own, as those, that liv'd intimately with him the last twenty years of his life, do solemnly declare.

But all this was nothing, compar'd to his study of the scriptures, particularly of the New Testament,

ment, which he read from the beginning to the end, without any expositor, in the *Greek* and *Latin* Texts; he read them so often, that he had them all as it were by heart, and with so much attention, that where he observed any point for meditation, he drew a line; and so by reading them over and over, there was hardly a word but what was mark'd. He did the same with his breviary, and recited the mass so readily, that in his latter days, when he could not see but with spectacles, he always celebrated that service without them.

During his six years retirement, he was solicited to go to *Ferrara*, to attend the consecration of *Leonardo Mocenigo* Bishop of *Caveda*, who wanted to be instructed by him in the canonical and episcopal profession. He had another call to *Rome*, to assist in the controversy concerning the efficacy of divine grace. He was very much pressed to go thither, the rather because he was so well vers'd in the Fathers, that he had them at his fingers ends, especially *St. Augustin*, who handles that doctrine more fully than all the rest. The bishop of *Montepeloso*, who was one of the prelates appointed to examine that controversy, sent letters after letters to him, to desire his presence at *Rome*, and in them communicated his own thoughts upon the matter; but the Father was resolv'd not to go, nor to open his mouth in the dispute; and in all his papers there is nothing to be found, but certain answers of the said bishop to letters, which the Father had writ to him on that subject, and which gain'd the prelate a great deal of honour. By those letters it appear'd that our Father was of *St. Thomas's* opinion, agreeable to that of *St. Paul* and *St. Augustin*, against the ancient and modern Pelagians, and Semi-pelagians. All that is extant of his upon this point, is a little

Italian tract, which he wrote at the request of a prince, wherein he clearly explains the whole state of the mysterious controversy.

The said six years were not long expir'd, but *Gabriel*, the general of the order of *Servi*, dying, was succeeded by his aforesaid nephew *Maestro Santo*, who had his uncle's ambitious views, tho' not his power. His uncle had charg'd him upon his death-bed, to attempt nothing of moment in his province without consulting *Father Paul*; but the veneration always paid to this great man was such an eye-sore to him, that he despair'd of absolute dominion till the said mote was removed, which it seems he was resolv'd on, *per fas & nefas*, tho' he never liv'd to accomplish it.

To this end he reproached him, in a chapter of the order, that he had worn a hat, contrary to a form that had been published in the time of *Gregory XIV*; that he had worn pantables of the *French* fashion, hollowed in the soles, by which he alledged he had forfeited his privilege of voting in the chapter, and that at the end of mass he did not use to repeat the *Salve Regina*. But these things were no sooner mentioned than they were exploded by the Vicar-General, the Provincial, and the whole Assembly, with the utmost indignation.

His pantables were indeed taken off by the judges order, and carry'd to the tribunal; which gave birth to a saying that is remembered to this day, *viz. Esser il Padre Paolo così incolpabile & integro, che sevio le sue pianisse erano state canonizate. Father Paul was so blameless and pure, that his very pantables were canoniz'd.* And as to his not reciting the *Salve Regina*, he had very good authority to omit it, because it was contrary to the rites of the mass, and, by a particular order of about thirty friars, declar'd

declar'd to be derogatory from the universal order of the Church. It was observ'd that Father *Paul* never spoke a word, or shew'd the least concern at such unjust and trifling accusations, but was as frank with his accusers as ever, and that *Maestro Santo* retir'd to *Rome*, where he spent 500 ducats of the monastery's money in four months time, and then went to *Candie*, where he turn'd merchant, but prov'd a bankrupt.

We come now to that glorious scene of the Father's Life, wherein he did such signal service to his country.

As soon as *Paul V.* came to the See of *Rome*, he fell out with the Republic of *Venice*, declaring some of their laws (which are mention'd in the following treatise) to be contrary to the privileges of the Church, unjust and void; while on the other hand the Republic maintain'd that they were good and just, and in no sense repugnant to the lawful liberties of the Church.

The dispute was carry'd on for a month by propositions and answers, and arguments on both sides, till about the beginning of the year 1606, which the Court of *Rome* usher'd in with monitories and comminations of censure.

The matter of dispute being partly of theology and partly of law, and the Senate of *Venice* resolving to chuse a person that was both a divine and a canonist, to assist their counsellors at law, conferr'd this important post on Father *Paul*, who serv'd them seventeen years, not only in that quality, but as a counsellor of state in all causes of the greatest moment; for thro' his hands pass all matters of peace and war, of their confines, their treaties, jurisdiction, tribute, &c. And his services were so universal, faithful, and sincere, that when their

counsellors at law died, the Commonwealth was so well serv'd by the Father alone, in all manner of business, that they chose none to succeed in their places. They did the Father an honour never granted before to any of their counsellors, *viz.* the admitting him to the inspection of all their records, and those call'd the *Two Secrets*, which contain the public laws of the State, the fundamental laws, treaties of war and peace, truces and alliances, and the like affairs of state; together with the chief transactions in *Europe* for several centuries, and the changes all over christendom, which are old books writ in former ages, very hard to read, and would have been the most valuable treasure in the world, if part of them had not been twice consum'd by fire. These the Father made himself so acquainted with, that by the happy assistance of his incomparable memory, he could turn in an instant to any of the books or passages contain'd in them; and he made such useful indexes to them, with so many notes and registers, that the Senate gave Father *Paul's* amanuensis an honourable salary to add them to their records, which, in his time, contain'd little less than 1000 treaties and acts of councils, all bound up in volumes of parchment.

The Father, however, wanting an associate to help him in the toil of collecting the allegations of the Doctors of both laws, that he might have the authorities he quoted always ready at hand, chose for this purpose frier *Fulgentio* (to whom the world is oblig'd for this account of his life.) He was a native of *Brescia*, whom (as he says himself) Father *Paul* had long favour'd with an intimate familiarity. When the Father sent for him, he was at the university of *Bolegna*, in the sixth year of his reading lectures in divinity; but he left that, and

all hopes of preferment, together with his library and moveables, to follow the call of his beloved friend.

The controversy betwixt the Pope and the Republic growing hotter every day than other, the Father, and the other counsellors, were constantly employ'd to find out the most effectual methods by which the Republic, saving the respect due to the See of *Rome*, might conduct themselves so as to maintain their liberties and independent sovereignty. Among other tracts, which the Father drew up on this subject, was the following, intitled *The Rights of Sovereigns*, and a smaller one of *Excommunication*, in which every thing essential to that censure was comprehended with the utmost brevity and clearness. This piece could never be found, after the most diligent search, among the many and inestimable volumes of both Church and State tracts, which the Father wrote, a loss not only lamented by his friend *Fulgentio*, but by all friends to true christian liberty.

The Court of *Rome* having misrepresented the controversy, and attack'd the validity of the *Venetian* marriages, and other sacraments, by written libels fix'd up privately in the night-time at *Bergamo*, which was in the temporal domain of the *Venetians*, tho' under the spiritual jurisdiction of the Archbishop of *Milan*, it was thought necessary to publish a true state of the case, which the Father was employ'd in night and day for four months together, with the assistance of his friend *Fulgentio*.

During this, he translated into *Italian* a tract of excommunication, which had been written by the famous *Johannis Gerson*, a *Parisian* Doctor, and Chancellor of the *Sorbonne*. This tract the Father published, with a preface adapting it to the present

dispute; which being attack'd by Cardinal *Bellarmin*, the Father was under a necessity of defending both the book and the preface; which defence was printed, and is still extant, under the title of *The Apology of Johannes Gerson*; in which the author has made a noble discovery both of his learning and modesty.

Soon after this our Father wrote another solid pious treatise, intitled *Considerationi sopra le Censure*, i. e. some thoughts upon the censure; which was attack'd, among many others, by *Bovio* a Carmelite frier, whom Father *Paul* thought fit to answer by a treatise, intitled *Le Confirmationi*, or Confirmations, which came out under the name of *Fulgentio*, whom, as himself owns, the Father directed and assisted to compose it. The Father also wrote that called *La aggiunta e supplimento all' Historia degli Uscochi*, *A Supplement to the History of the Uscoques*; and another little tract *De Jure Asylou Petri Sarpi Juris*, which is the name the Father was known by abroad; and, by order of the Senate, he composed a treatise of the immunity of consecrated places in the dominions of *Venice*, with the particular laws and treaties made with the Popes; and another long manuscript treating of the office of inquisition at *Venice*, which, tho' of particular use to that Republic, who kept it up a long time as a jewel, was nevertheless publish'd at last, and proves of general use to mankind. About the same time, a treatise of the interdict was compiled by him, and the six other divines which were then employ'd by the Commonwealth to examine their difference with the Pope.

He took so much pains to be inform'd of all the proceedings of the Council of *Trent* from ministers who were present at it, that 'tis not to be doubted but

but he was the author of the celebrated history of that Council, which was divided into eight books, printed first in *Italian* at *London*, and afterwards translated into all the most common languages of *Europe*, under the name of *Pietro Soave Polano*, the anagram of which is *Paolo Sarpio Veneto*, the christian and surname of our Father.

He was about composing a treatise of the *Power of Princes*, to be divided into 206 chapters, which, *Fulgentio* says, bid fair to be one of the most important compositions in the world; but he does not tell us that he went any further in it than three chapters, and these he gave to the most illustrious lord *George Contarini*, a man of fine wit and judgment, who could never be prevail'd on to part with them out of his hands; for he had such an esteem for the Father, that as he was almost ready to adore him while living, so no man (tho' others were obliged in gratitude to have done much more) was so zealous as he to honour him when dead; for he had his image graved in mother of pearl, cast in brass; and not content with this, intended, if he had liv'd, to have had it likewise done in marble.

The Father so nobly defended the cause of the Republic, that notwithstanding his wonderful modesty, he became the butt of all the poison'd arrows of slanderous libellers, never man being loaded with more heavy curses or more impudent falsehoods; yet like a man never provok'd, he chose to go on defending a good cause, rather than to answer a bad one by recrimination; for he kept all the laws of a true divine, and had always a due regard to the apostolic See, and to the pontifical dignity and authority.

On the other hand, there were not wanting those, at that time, who took up the quill in vindication
both

both of the serene Republic and the defenders of her cause ; but Father *Paul*, with his six colleagues, did, by public command, examine in a canonical way every thing that was committed to the press, to the end that as little offence as possible might be given to the Court of *Rome* ; so that many things written on the side of the Republic were never suffer'd to see the light : And *Fulgentio* remembers it, to the eternal honour of the Republic, that they also deputed three of the greatest senators they had, for age, for merit, and for dignity, whose business was, after the divines had made their report, to review every thing with the nicest circumspection before it went to the press, that nothing might be publish'd which was either impertinent to the cause of the *Venetians*, or offensive to the See of *Rome*, whose writers, on the other hand, kept no manner of decorum, insomuch that *Fulgentio* himself could not forbear confessing, that it was notorious to the whole world, that they fix'd an indelible scandal on the *Romish* religion, by pushing matters to that pass, as if self-interest and ambition were its governing principles.

The Father was so far from disputing the legal immunities of the *Romish* Church and Clergy, or from advising any thing prejudicial to the lawful authority of the See of *Rome*, that 'tis well known he always spoke and wrote of the Popes, and their See, with the greatest reverence ; and that with wonderful wisdom and address he often temper'd that zeal and passion, with which even the most moderate of the citizens were apt to be inflam'd against those that quarrell'd with their jurisdiction. Yet for all this he had a citation to *Rome*, to give an account of his writings, which he answer'd by a manifesto, proving the nullity of the said citation, and that he was obliged not to go to *Rome*. Which
answer

answer was printed and published in spite of that court, (who did all they could to prevent it) and was never yet confuted. Nevertheless he went to *Rome*, which was in the 55th year of his age; but no lawful reason was ever assigned to declare him obnoxious to the ecclesiastical penalties or censures, and he drew up a writing, which was afterwards known to be presented to the pope, wherein he collected the many heretical and tyrannical doctrines held by the champions of the papal see. He likewise offer'd to dispute with any one of his adversaries, and to retract whatever he had asserted, as soon as cause should be shewn for his so doing, if he might be allowed a place of security, and his enemies at that court would decline their ensnaring way of citing him, as if he had been guilty of advancing propositions that were heretical, scandalous, erroneous, offensive to godly ears, and the like.

During this it seems the Father, by order of the state of *Venice*, wrote a treatise shewing with what devotion the senate conducted themselves amidst their continual provocations towards both the religion and the pope of *Rome*, and with what wisdom and clemency towards their own subjects; which tract *Fulgentio* gives us to understand was printed first in *Italy*, and reprinted in *France*; but he does not tell us its title.

The court of *Rome*, in the mean time, finding all other methods fail, try'd to corrupt the seven divines; and what with promises on the one hand, and threatnings on the other, they debauch'd two of them so far, that, contrary to their consciences, they quite deserted the cause of the republic. The pope gave a particular charge to his emissaries, one of whom was general of the order of *Servi*, to
 closet

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closet both the friers *Paul* and *Fulgentio*; but they knew beforehand that Father *Paul* was proof against all allurements or terrors, and therefore they durst not tamper with him; nor does it appear they were able to do any good with *Fulgentio*.

In the beginning of the year 1607, there was an accommodation betwixt the pope and the republic, which was mediated by the *French* king, and in which Father *Faul* could not but be included, the rather because the pope said that he had given his blessing to all, and consented that what had pass'd should be buried in oblivion.

The Father knowing the integrity of his own heart, thought he might safely rely on the pope's promises; but soon after the famous *Gaspar Schioppio* came from *Rome* to tell him that the pope ow'd him a deep grudge, which he would certainly feel one day or other with a vengeance, adding that the Father's life was in the pope's hands, who was resolved to have him brought alive from *Venice* to *Rome*; but that if the Father pleased, he (*Schioppio*) would endeavour to make his peace for him. To this the Father answered, " that he had given the
 " pope no just cause of offence; that he was sorry
 " he should be displeased with what defence he had
 " made: That as all counsellors of state are supposed
 " to be included in treaties with their sovereigns,
 " so he, the Father, was individually comprehen-
 " ded in the accommodation; and that he could
 " not suppose so great a prince would so far violate
 " the public faith; but that as for any design upon
 " his life, it would never break his rest: That
 " great princes, not such mean subjects as he, were
 " exposed to assassinations; but that if such a plot
 " was laid against him, he was ready to submit to
 " the will of God; and that he was not so great a
 " stranger

“stranger to human nature, as either to desire life, or fear death, more than was necessary ; *adding*, “that tho’ he should be carried alive to *Rome*, yet all the power of the pope would not be strong enough to make another man take away his life ; but that in such a case he was resolved to be his own executioner.” For the rest he thank’d *Schioppio* for his good wishes ; but was so resigned to the will of God, and trusted so much in his innocency, that he took no thought of his own safety, considering that his cause and interests were wholly inseparable from those of the republic.

Schioppio returning to *Rome*, reported that he had found Father *Paul* *nec indoctum nec tumidum*.

It seems that *Schioppio* had good grounds for what he said, since it was not long after that the lords inquisitors of the state of *Venice*, to whom many secrets are usually made known, gave him intimation that a design was actually formed against his life, and often warned him to be upon his guard ; but the Father, who was so good himself, that he did not think it possible for any body to be so wicked, seem’d to take no more care of himself than as if the whole had been a dream, and always used to say, that it was all one to him which way he died ; but that he was resolved death should never surprize him unprepared.

The Father thought, without doubt, that when the heat of the controversy was over, no man could be so profligate as to entertain such a hellish design, especially after so solemn an accommodation ; and that all princes have learned men enough about them to defend their actions without employing cut-throats. But he found his mistake to his own cost ; for about six months after the accommodation, it came to pass that as the Father was returning home

home to his convent, on the 1st of *October*, about three in the afternoon, he was assaulted by five assassins, who with stiletto's or daggers gave him two wounds in the neck, and another, which entering at the right ear, came out again betwixt his nose and his right cheek. 'Tis remarkable that for above three months before, the Father was always attended, except that very evening, by his friend *Fulgentio*, and another stout frier, besides the frier who was his servant; but then it happen'd he had no body with him but his servant, who was seiz'd and bound by one of the Russians, while another gave the Father his wounds. The assassins left a dagger sticking in the Father's head, and thinking they had dispatch'd him, fled immediately to the water-side, where a gondola lay ready to carry them to the house of the pope's nuncio, then residing at *Venice*, and from thence they cross'd over in a boat with ten oars well armed to the opposite shore; but the *Venetians* in the mean time hearing that they had shelter first from the nuncio, went in great numbers and surrounded his house, making such reproachful outcries that the nuncio was in great danger of his life; and the council of ten were obliged to send him a strong guard to prevent worse consequences. The chief conductor of the plot was *Ridolfi Poma*, once a reputable merchant at *Venice*; but failing, retired to *Naples*, and from thence to *Rome*, where he was well enough respected, and especially by the cardinal *Borghesi*, who carry'd him to his uncle the pope, from whom he had a promise that two of his daughters, whom he had left at *Venice*, should be admitted into a nunnery there; and at the same time this *Poma* surprized some of his friends, by telling them, that e're long they would see him in a gallant condition; and one might have

guess'd

guess'd by his letters that he thought of nothing less than a cardinal's cap. The rest of the gang were either exiles or vagabonds, except their spy, who was a priest that officiated in *Trinity Church* in *Venice*, who in the preceding *Lent* season used to go every morning to the convent of *Servi*, on pretence of being charmed with *Father Fulgentio's* sermons, and conferr'd with him every day almost about his soul and scruples of conscience; from all which *Fulgentio* infers that this plot had been hatching many months before it came to light, and observes very justly how often religion is made a stalking horse to the greatest wickedness.

It was said that *Ridolfo Poma*, when he set out with his accomplices for *Venice*, took up 1000 crowns at the chamber of *Ancona*; and that going to *Ravenna* after the fact, with news that *Father Paul* was killed, he was honourably welcomed, and had 1000 crowns more from the chamber of that city. There he got a coach and a guard of musketeers, with whom he travelled in a kind of triumph, being caress'd in all places by the governors, till he came to *Ancona*, where the report being arrived before him, that *Father Paul* was not dead, tho' wounded, his glory was in some measure eclipsed; and proceeding with his confederates to *Rome*, they were promised a pension, but had none; and every one of them came to a miserable end, convinced of the truth of the maxim, that princes, tho' they love the treason, hate the traitors.

The first thing that *Father Paul* did, after being put to bed, and his wounds dressed, was to prepare his soul for God; and next morning he received the communion with several of the Fathers, who could not refrain from tears, especially when he beg'd them to excuse him from talking much, because

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cause of his wounds. He said to the avogador, or advocate, who, according to the law of *Venice*, went to take his information, that he had no enemy that he knew of; that he forgave the assassin, whoever he was, from the bottom of his soul, and therefore he often beg'd the high council that they would inquire no farther into the fact, than what might serve to defend him better hereafter, if it should please God to prolong his life. Thus he behav'd both as a true christian and a philosopher, by rooting out of his soul the seeds of revenge, that principle of savage justice, which is so deeply implanted in human nature.

When the general of his order, *Philip Alessandrino*, heard of what had happen'd to the Father, he was for a while speechless. The Father desired only one chirurgion to attend him; but almost all the famous physicians and chirurgions in *Venice* were sent to take care of him, besides others from *Padua*; among whom was his old friend and admirer *Aquapendente*, who was ordered not to depart from the convent, till it should appear whether he was for life or death, which remained for a long time doubtful; for as he was, when at best, little more than a moving skeleton, so had he lost such a quantity of blood, that for above 20 days he could hardly stir his hand.

The number of his physicians, a misery common to great persons, added to his affliction; for some were of opinion the wounds were given by a poisoned weapon, because of the blackness of their orifice; some thought that the inflammations proceeded from the treacle in the medicaments; and others were for making use of scarification; so that upon the whole he suffered as much from his physicians as from his wounds. He endured

endured incredible torture, by the taking off his plaisters, and dilating the orifices; and the bone of his upper jaw being broken, occasion'd inflammations, which frequently threw him into Fevers till it was healed; yet for all this, he behaved with his usual piety and constancy, and was even merry sometimes in the extremity of his pain; of which *Fulgencio* gives us this singular instance, *viz.* That once when his wounds were dressing, and no less than a dozen physicians and chirurgeons attending him, *Aquapendente* said, *the greatest wound was not yet cured*; to which the Father reply'd immediately, *Ay, but the world will have it that it was given* STYLO ROMANÆ CURIÆ, which set them all a laughing. And the same night being in bed, and told that the dagger was in the room which the Russians left sticking in his head, he desired to see it, and feeling it with his fingers, said it was not filed. He that pulled the dagger out of his wound would fain have kept it as his due, but consented that it should be preserved as a public memorial of the divine goodness to the Father; and that therefore it should be hung at the feet of a crucifix in the church of the *Servi*, where it was accordingly placed with this inscription, *DEI FILIO LIBERATORI*.

'Tis remarkable, that the Father seem'd very much concern'd, for fear that the assassins, when apprehended, should confess something that might give scandal to the world, and prejudice to religion.

'Tis farther observable, that the day after the Father was wounded, hearing of the death of *M. de Maisse*, it so much affected him, that he could not forbear expressing himself on that occasion to *Peter Asselineau* after this manner: *We have lost our dear Friend M. de Maisse. This is a wound which admits no*
c
remedy;

remedy; but in this frail state we must expect either to be Spectators, or a spectacle.

It is now high time to give an account how this villanous attempt upon the Father was resented by the most serene the Doge and Senate of *Venice*.

The Senate being assembled when the news came, immediately broke up in a mighty consternation, and the Council of Ten sitting at the same time, there was that evening as great a concourse of senators in the convent of *Servi*, as if they had intended to have held the senate there. They sent money to the monastery to defray the charge of his cure, deputed persons of note every day to visit him, commanded the physicians to report his condition to them from time to time, and rewarded Signior *Aquapendente* in particular with the honour of knighthood, and a rich chain and medals, for constantly attending his patient. At the same time every thing imaginable was done for the Father's future security. The murtherers, who were presently known, were subjected to the severest decree of banishment that the supreme Council ever pass'd for the worst of crimes; and proclamations were printed, with ample rewards for all such as should discover any future conspiracies form'd against the Father's life, and the same for killing or apprehending those who made the attempt. They also order'd an allowance, at the public charge, to maintain a guard for him, that should have the liberty of bearing arms of any kind, and appointed him a house at *St. Mark's*, where he might spend his days in security. But the Father resolving never to quit his monastic life, petition'd that he might be permitted to continue in his monastery, where he had liv'd so long, that he said it was become his natural element, and that he could not tell how to live out

out of it. In this the government were pleas'd to gratify him, only they caus'd some additions to be made to his apartment, from whence, by a small gallery and steps, he had the conveniency to take boat; then passing through *Mercer's-street* he arriv'd at *St. Mark's*; and returning the same way, as he sometimes did by night, from the public service to his monastery, he avoided the blind alleys in which he was liable to be way-laid. And during the remaining sixteen years of his life, he seldom or never convers'd out of his chamber, except at Church, in the Refectory, or other public places.

He spent the residue of his life in holy meditations, and in the most studious application to the service of the State, or his neighbours; for in all sorts of causes, even of the greatest difficulty, as testaments, marriages, infeoffments, hereditaments, and arbitrations, they came to him for advice from all parts of the Republic; and he gave mild and solid answers to all, and with as much readiness as if he had been every man's advocate, and as if he had never study'd any thing but the point in question; for tho' his answers and resolutions were surprizingly quick, yet they seem'd to be the effect of mature deliberation, and not capable of being render'd better. In ecclesiastic controversies especially he was esteem'd an oracle, insomuch that when universities and colleges were consulted, if the Father was of a different opinion, his had always the preference. And 'tis yet more admirable, that in the various and intricate affairs of benefices, and other kinds of ecclesiastical controversies which came before him, even the Court of *Rome* could never find any thing in his judgments worthy of censure; and *Fulgentio* desires all that knew the Father, to prove that he ever err'd in his
c 2
decisions;

decisions ; adding, that how hyperbolical soever it may seem to the reader, this, and even more than can possibly be express'd, is fact.

Tho' he took above ten times the pains that others of his faculty did, who got good estates, yet he never took a fee or gratuity from any person whatsoever: What time he had to spare from the service of God and the public, he apply'd to the mathematics, or employ'd it in reading the New Testament and moral philosophy. Thus was his life compos'd of the active and the contemplative, always yielding to God what he *could*, and to his prince and country what he *ought*, and even more than he was oblig'd to by any law, besides that of charity.

But from the first to the last he was revil'd by many, for no other reason than to ingratiate themselves with the Court of *Rome*. For this end they gave out that he oppos'd the order of Priesthood, that he always declaim'd against ecclesiastical jurisdiction, and exalted the power of secular Princes more than was necessary ; tho' the contrary will evidently appear from his following treatise of the *Rights of Sovereigns*, and that he was a perpetual advocate for the jurisdiction and liberty of the Church, that Church which his friend *Fulgentio* calls
 “ the true canonical and legal Church ; not that
 “ (says he) which is now usurp'd and employ'd to
 “ the subversion of public government, and of religion itself ; because the Father always affirm'd
 “ that he was sure nothing so much obstructed the
 “ progress of the (*Roman*) catholic religion, and
 “ occasion'd so deplorable a division among its professors, as the extending the ecclesiastical liberties into license.

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On the other hand the Father has not spar'd, in many of his writings, to censure Princes for neglecting the preservation of the jurisdiction and power granted them by God; and he blames their ignorant zeal, in suffering so great a part of their power to be usurp'd, and thereby putting themselves out of a capacity to rule the people committed to their charge, without altering the form of government; which negligence of princes, in this particular, *Fulgentio* himself asserts to have been pernicious to the Church of God and all the ecclesiastical order.

Father *Paul*, far from sowing dissention in the Church, as his enemies objected, always bewail'd it as the true source of all those mischiefs which have brought into the Church the most political worldly form of government that ever was, and which have interested the clergy in things not only different from, but contrary to the ministerial institution of Christ, and such as keep christendom in perpetual discord. He held, that the divisions of his day among christians were irrevocable by any other means than the almighty hand of God; and that they proceeded not so much from obstinacy in diversity of opinions and contrariety of doctrine, as from the strife about jurisdiction, which afterwards degenerating, and growing into factions, put on the mask of religion.

Mean time this hatred against Father *Paul* being daily nourish'd, grew up into another plot against his life, in the year 1609, which was laid and detected as follows. *Bernardo*, a frier of *Perugia*, having insinuated himself into the affection of Cardinal *Borghese*, by some services that he did him formerly, which were very acceptable to the common gust of youth, went afterwards to *Rome*, where he was made much of by the Cardinal, and sent *John*

Francesco, another *Perugian* frier, to the university of *Padua*, on pretence of being a student. From thence he us'd to go to the *Servites* College in *Venice*, where he contracted an acquaintance with frier *Anthony* of *Viterbo*, who was very familiar with Father *Paul*, and serv'd him as a writer. The Father observ'd a close correspondence betwixt them, which he suspected was not lawful; therefore he forbad *Francesco* to come thither again, and told his amanuensis *Antonio*, that he must not expect to enter his chambers, if he had any more to do with him. Nevertheless they still carry'd on a private correspondence, by letters sent to *Antonio* by a Jew, one of which being intercepted, when *Antonio* was not at home, and carry'd to the Father, gave a strong suspicion that some mischief was a hatching; and it was soon after confirm'd, by a packet of letters dropt in the vestry, where they had had a meeting at break of day. The Sacristan immediately carry'd the packet to Father *Fulgentio*, who found the letters in cyphers, and suppos'd they contain'd some business of no small importance, because *Bernardo* had written to *Francesco*, to solicit *Antonio* to dispatch the *Quadragesimale*; since that not only the 400 crowns were ready, and should be put into his hands, but that the 12000, and more too, were as ready and sure. In some of them he said, "That Signior *Padre*, and others, by whom
 " were meant persons not inferior to Cardinals, did
 " all of 'em desire the *Quadragesimale*; that the
 " Father-General of the *Servi* bid him not doubt
 " of being canoniz'd; that Signior *Padre* had caused
 " all other suitors to withdraw to give him audience:" With many such particulars. Which being made known to Father *Paul*, he presently smok'd their design, and immediately dismiss'd *An-*

Antonio from his chamber and the convent, but desir'd *Fulgentio* to say nothing at all of the matter, till it was possible to come at the whole secret of the contrivance. But *Fulgentio* carry'd the letters, without any more ado, to the inquisitors of the State; and telling how he came by them, *Francesco* and *Antonio* both were apprehended. It appear'd by the counter-cypher, that the *Quadragesimale* was the word for the three methods by which they intended to take away his life: One was, that whereas the Father had a relaxation of the *Sphincter ani*, and was oblig'd to keep that part shav'd once a week, which he would admit no body to do but his servant the frier *Antonio*; that therefore *Antonio* should take that opportunity to give him a mortal cut with his razor; but the frier desir'd to be excus'd from this, in a letter to *Rome*, wherein he affirm'd that the very sight of blood naturally made him swoon.

The second was a design of poison, by which, said they, 'tis possible with one bean to catch two pidgeons, viz. Father *Paul* and his friend *Fulgentio*. But this, tho' better lik'd by *Antonio* than the former, was attended with such difficulties that it was not practicable.

The third, on which they rely'd most, was, that frier *Antonio* should take the print of the keys of the Father's chamber in wax, in order to make false keys, thereby to introduce the murderers by night. But the whole was detected and prevented in the manner above mention'd.

The Council of Ten being resolv'd to search to the bottom of it, sentenc'd father *Francis* to be hang'd, with this alternative, that if he made a full discovery of the whole plot, and explain'd all the letters, that then he should only be punish'd with a year's imprisonment, and after that, perpetual ban-

nishment from the *Venetian* dominions. And accordingly he chose to make a full discovery, even of more facts than were publickly known, the government having such a regard to religion, that they thought fit to conceal every thing that did not manifestly tend to interrupt the execution of their mild justice.

But so good natur'd was Father *Paul*, that he often beg'd upon his knees, that for his own sake, who had done the Republic such eminent services, his enemies might not be made public spectacles, to the dishonour of his religion, and was griev'd to the heart that his life should be the ruin of others; and 'twas believ'd that the alternative above-mention'd was chiefly owing to the Father's earnest intreaties.

Notwithstanding the treacherous attempts before mention'd were thus brought to light and justice, yet the Father was advertis'd of other plots that were afterwards hatch'd against him; one of which was a design to take him alive, and transport him in a bark into another's dominions. But the caution us'd for his preservation frustrated all their designs; besides that the conspirators finding the Pope's resentment against him begin to cool, thought such a piece of service would be less acceptable than formerly.

Among other warnings this was one: A young man came to *Venice* armed like a foldier, but in carriage and habit more like a frier, who would needs speak with Father *Paul*. But none being permitted to have access to him, except he was very well known, or introduc'd by some particular friend, he address'd himself to *Fulgentio*, telling him that he had something of the utmost importance to say to the Father, and that if he might but speak with him,

him, he would quit his arms, and submit to any restraint the Father should please to lay upon him. But tho' he said he would advise him of something that even concern'd his life, it was resolv'd that he should not see the Father; upon which Father *Paul* said, with some passion, that it was not so bad to die a violent death, as to be under a necessity of living in continual fears, which proceed *ad infinitum*, whereas mischiefs have their termination. The young man finding it in vain to insist upon an audience any longer, took his leave of *Fulgentio*, with this expression, *Guardatevi da tradditori*, &c. "Have a care of traytors, for you have very great need. God preserve you, for you are honefter friers than others would have you to be.

'Tis remarkable that Cardinal *Bellarmin*, tho' they had attack'd one another in print, sent his kind love to Father *Paul* once by a secular priest of *Rome*, bidding him tell the Father that he had great need to take care of himself; and another time by one *Alberto Testini*, by whom he assur'd the Father that he had as much affection for him as ever, and at the same time acquainted him, "That one *Felice*, a frier, had compos'd a vile libel, under the title of *Father Paul's Life*, which he presented to Pope *Paul V*, who desir'd his (the Cardinal's) opinion of it; and that he (the Cardinal) said he knew Father *Paul* very well, and that his holiness might take his word for it, that the facts therein mention'd were so false and scandalous, that it would be a shame for any body to publish them." Now tho' Father *Paul* might easily have ruin'd the injurious author of that infamous libel; yet such was his meekness and forbearance, that as long as the Father liv'd, that author kept his employments of honour; but the Father
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was no sooner dead, than the populace reveng'd the injury he had done him, and forced the libeller to quit the dominions of *Venice*.

After this, the pope beginning to have an opinion of the Father's goodness and piety, seem'd to be pretty well reconciled to him, as sufficiently appears from this one instance, *viz.* The bishop of *Tine's* cause, who was prosecuted by the inquisition at *Venice*, being refer'd to Father *Paul*, he gave it so much in favour of the bishop, that instead of being reprov'd, he obtain'd several privileges both for his church and person. This pleas'd the pope so well, that he said, "He had heard indeed " from many hands that the Father was a " great friend to justice, and a man of extraordinary prudence and sincerity". On the other hand, the Father pray'd God to send the pope a long life; and he often said to his friends by way of prophecy, that he believ'd pope *Paul* ow'd him no more ill will; but that when he died, his successor would revive the old controversy, because it was only skin'd over, and would break out again; in which it appear'd that he was not at all deceiv'd.

The Father was nevertheless in great repute with the most eminent prelates at *Rome*, who, when they had occasion to speak of him, shew'd that they thought him an honest man, and a man of great learning. Cardinal *Bellarmin* however lamented in public that so little account was made of so considerable a man, and said that he wish'd he could have been reconciled to the service of the holy see, tho' (says he) they had given him but a *dry flower to smell on*; for he imagin'd the Father had reason to be very angry with the court of *Rome*, because pope *Clement* had refus'd him two small bishopricks, *viz.* *Melopotarno*, and that of *Nona* in *Dalmatia*. The
cardinal

cardinal said he always wish'd that the Father would come and live at *Rome*, because he knew him thoroughly, and what service he was able to have done the church.

The pope's nuncios *Zachia* and *Ascoli*, speaking to the *French* ambassador *Villers*, upbraided the Father with hypocrisy; but the ambassador repell'd their venomous raillery by fully acquitting him of every circumstance attending such a crime; adding, that he had heard every body else extol him for his goodness and integrity. *Peter Affelineau*, who was physician to the ambassador, told the Father that the nuncios represented him as one of the vilest miscreants in the world; at which the Father smiled, and would say sometimes, *it must be so, because I am as different as 'tis possible from their humour: And if they be the most perfect and holy men, then of consequence I am the lewdest and most wretched person in the world.*

The Father, after a little merriment and facetious discourse, considering how hard it is for a man to know himself, conjur'd an intimate friend of his to deal plainly with him, and to tell him his faults, particularly if he had any of the marks of a hypocrite mention'd in the gospel.

Cardinal *Ubal dini*, the pope's nuncio at the court of *France*, always scandalized the Father for his writings: But *Contarini*, who was ambassador there at the same time from *Venice*, a man of great solidity and good nature, vindicated the Father's writings from the impiety and ignorance the nuncio had charg'd them with, took notice of the applause with which they had been receiv'd in all catholic states by the most learned and pious professors of the sciences, and said that he knew both by report and experience, that the Father's holy retired life and manners were both exemplary and unblameable.

But

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But the nuncio was pleas'd to reply, that what the embassador had said, only confirm'd him the more in his opinion, that he was a profligate fellow, and a consummate hypocrite. *Maffeo Barbarino*, another of the pope's nuncios in *France*, rav'd against him with so little decorum, that he said he was worse than *Luther* or *Calvin*, and that he deserv'd to be assassinated; for there the nuncio came to know that the Father corresponded by letters with some of those noblemen who were counsellors of the parliament, and with the orthodox doctors of the *Sorbonne*, who defended the lawful secular power, and the liberties of the *Gallican Church*, against the usurpations of *Rome*.

'Tis true enough that the Father did converse with some of them, and particularly with the great *Casaubon*, after it was known that he was turn'd catholic; but all men were heretics with *Barbarino*, that had any correspondence with Father *Paul*; for they that knew not how to convict him of one criminal action, were so offended with his doctrine, rather than with the man, that they pretended to find imperfections in his fair soul, and to censure his very intentions, tho' they were only known to God, the searcher of all hearts. On the other hand, *Fulgentio* observes, that those his enemies, being all minions of the court of *Rome*, did, to the great offence of God and scandal of the world, canonize all doctrines and opinions, that made for their grandeur, but censured all others, tho' never so catholic and orthodox, if they did not favour their exorbitant pretensions.

Father *Paul* was so entirely devoted to the public service next after God, that he was always resolved no controversies should arise upon his account; of which the following is a very good instance. When
Pope

Pope *Paul's* successor, *Gregory XV*, enter'd on the pontificat, he insinuated to the ambassadors, who came from *Venice* to congratulate his election, that there would never be a perfect peace betwixt the Republic and the See apostolic, but such a one as Father *Paul* should approve of. When the Father heard of it, tho' he was then in his declining age; yet rather than there should be another quarrel, he was resolved to retire not only from the service of the senate, but even out of the state of *Venice*: And accordingly he made preparations for a voyage into the east countries, by the way of *Constantinople*, being ready to encounter with any adversity, rather than his country or his prince should be exposed to suffering for his sake; tho' he very well knew that the senate would rather have undertaken a war for him, than abandoned his protection. He often pleased himself with the thoughts of enjoying that in his age which he had extremely desired in his youth, viz. the pleasure of travelling to see those things with his eyes with which he was already so well acquainted by the reading of geography and history. Moreover, it look'd as if *Gregory's* successor, Pope *Urban VIII*, was resolved to make the Father very uneasy in *Venice*; because when he was only a nuncio in *France* in 1606, at which time he was created a cardinal, he express'd an irreconcilable hatred of the Father, by such unchristian and unmanly actions and forgeries, that, for reverence sake, *Fulgencio* passes them over in silence, lest the world should think that the petulancy of speaking and writing falsehood and slander (a thing bred in the bones, he says, of our modern ecclesiastics) was arrived at the utmost height. But however things seem'd disposed to make the Father's voyage necessary; yet God and nature did not give him leave to undertake

take it; for entring into the 69th year of his age, tho' his judgment and memory were as copious and perfect as ever, yet as he was in his usual place, a withdrawing room of the senate-house, a sudden chillness seiz'd him, together with a hoarseness, and a strange benumbedness. This is the first time he was ever troubled with a catarrh, and it held him above three months accompany'd with an ague. Nevertheless, he would not change his way of living, nor diminish his labour, tho' he visibly declin'd in his strength, and always said he was never well after that shock. But his indisposition continuing, he betook himself entirely to devotion and meditation, and fatigued himself no more with reading or writing afterwards, than just what his post and the public service obliged him to. His meditation was generally before a crucifix and a death's head; and if any body happen'd to surprize him at it, he endeavour'd to conceal his devotion as much as possible, and made as if he was contriving some instruments or figures in the mathematics; but it might well be imagined he had other contemplations more suitable to his age and ill habit of body. He bore up as well as he could till the beginning of the winter 1622, and his entrance into the 71st year of his age, when he decay'd apace, insomuch that his hands and feet grew as cold as a stone, his face fell, his lips, especially the nether one, were black and blue, his eyes dull and hollow, nothing would keep him warm, and his appetite loath'd almost every thing he took. Tho' he had his teeth left, yet 'twas troublesome for him to chew his meat, and he began to go very weak and double. His dreams were not confus'd as usual, but distinct, natural, speculative, and regular, which, he observ'd to his friends, was a rising of his soul by little and little from the bond
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and commerce with his body. He was now very indifferent how the world went, which had been always his favourite inquiry ; and the only delight he had when he awoke, was, after divine meditations, to think of his mathematical and astronomical figures ; and he would often say, smiling, how fertile have my brains been of invention ? And tho' his soul had all the indications of one ready to leave the body, yet he did not quit his post, telling his friends who advis'd him to be sparing of his labour, That his duty was to serve, not to live, and that no man should be afraid to die in his profession. His friends used to blame him for his indiscretion in studying as hard in his declining age, as he did when he was younger and stronger, a reproof which pleased him, but did not reform him. He was so far now from concealing his illness, that he gave plain tokens that he fore-saw his approaching dissolution, and spoke of it freely as a debt to nature, and as a long rest after a weary journey. Besides his devout ejaculations, which he often repeated with sentences of scripture, he would most frequently say, *Nunc dimittis, Domine, servum tuum* ; Lord, now let thy servant depart in peace. He used to say to his familiar friends, *Courage my masters, we are almost at our journey's end* ; adding, in a facetious manner, that he could now be assured his death would be no miracle, since he had survived *Baronius, Bellarmine, Colonna*, and the Pope himself, as well as many others, that had written for the court of *Rome*, tho' younger than he ; for which reason there would be no room for the rash judgment that is too often pronounc'd, in their writings, upon whoever dies in disgrace with that court, viz. That they died after a strange manner, and were punished some how or other by God himself, as if that just being, who governs

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governs the world, was always ready to execute their partial sentences, or as if those of their faction were not as liable to death as others.

When his friends went at *Christmas* to wish him the usual compliment of a happy new year, he said with more than ordinary freedom and seriousness, *This is the last I shall ever see*; for he began to be in a high fever. Tho' he had taken physic on the feast of epiphany; yet being sent for to the palace, he went without making any excuse, and returned much worse, being not able for two days following either to eat or sleep. Nevertheless, he could not keep his bed; but rising on *Sunday* morning, celebrated mass, dined at the refectory, and, after taking a turn or two with one of his companions, went and lay down in his cloaths, according to custom, upon a chest, with nothing over him but a coverlet.

He continued thus till the very day before he died, still rising out of his bed, putting on his cloaths, and reading and writing as much as his strength would permit; and when he could do no more, he threw himself upon the chest, and made others read to him. On the *Monday* morning, having dress'd himself, his hands and legs so fail'd him, that he was not able to stir them, and he had such a loathing to every thing, that nothing, except his resolution, made him take a cordial; but he had the same strong judgment and memory as ever, and the same serenity of mind, comforting his visitors, and intermixing something facetious in his discourse: But upon the *Saturday* he said to those that were about him, I have made you merry as long as I was able, and now I can do so no longer, you must cheer me. He continued to admit all visits, discours'd of all matters as usual, said but little of his weakness, and that only to his physician, and so

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pass'd his time, sitting upon a stool, and hearing one read to him.

In all these his latter days he made a thorow enquiry into the state of his soul, with an entire resignation of it to God, and a heart as chearful as his body was afflicted, concealing his sickness so much from those who were present, that they could scarce discover it but by his want of strength, and his loathing of food.

When his physician and cordial friend *Peter Asselineau* view'd his excrements, the Father put his finger to his mouth, as a caution to be silent, and then freely told him his condition; but desir'd him not to discover it to Father *Fulgentio*, that it might not afflict him, because he had endeavour'd to possess him with an opinion that he should have a long sickness, and that it might perhaps turn to a quartan ague. He often said in his life-time, that he hoped he should know when he was near his end, but that he would not speak of it to any of the convent, besides *Fulgentio*; because it would only breed confusion, and make them neglect those duties which God would not have omitted; but he did not observe this rule, and would not let his condition be known even to *Fulgentio*, any farther than it manifested itself. It must not be forgot, that on *Thursday* morning he desir'd the prior of the Convent to recommend him to the prayers of the Fathers, and that he would bring him the holy sacrament; adding, that he had liv'd in the poverty of the religion, without any thing of his own; and that as whatsoever was in his chambers was granted him for his use, so it was now, as it had been always, at the free disposal of his superiors; and he gave him the key of a cupboard, wherein was the remainder of what the republic had bestow'd upon

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him, nothing being lock'd up but what was in that cupboard, and one more, in which were the writings that concern'd the public. He again put on his cloaths as usual, and spent all that morning in hearing his friend *Fulgentio*, or frier *Marco* his amanuensis, read *Psalms*, or some passages of the Evangelists, particularly of our Saviour's sufferings, making them stop whenever he enter'd into any devout meditation. He often try'd to kneel; but tho' the spirit was willing, the flesh was too weak. As soon as mass was ended, the fathers of the monastery being call'd together by a little bell, went in procession, with torches in their hands, and the prior at their head carrying the holy sacrament, which he received with such marks of piety, as drew tears from all that stood about him, and convinced them that he was well prepar'd to die.

He was always unwilling to let any body watch with him in the night, saying it only serv'd for pomp, and to incommode others, and that it did himself more harm than good to see them lose their rest.

He was so strict an observer of the rites of the Church, that notwithstanding the many new ones which were introduc'd in the ten preceding pope-doms, he readily comply'd with all of them, tho' he did not heartily approve of them; saying, that things of custom had their remedies, but that innovations were never without incurable mischiefs: He was always, not from superstition, but a habit to set a good example, a very strict observer of *Lent*, insomuch that on *Friday*, the morning before he dy'd, he would not eat broth, or any thing that was not proper for the day; and it was so hard to perswade him to have any but *Lent-fare* for his dinner,

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ner, that he ask'd his cook whether he us'd to make his friends break fasting days.

The night before he dy'd, when he was almost spent for want of restoratives, tho' he had then three companions who sate up with him, he only took of such necessaries as lay ready at hand, and was heard to say nothing distinctly, except now and then *Oh Dio!*

Saturday, Jan. 14, 1623, the last of his life, was the only day he spent in his bed during his sickness; and tho' his body was extremely weak, yet his mind remain'd in its full strength, insomuch that the Doge and Senate sending for our *Fulgentio*, to know how he did, and being answer'd that he was still the same *Father Paul*, in his judgment and memory, that he had been for seventeen years past, they enjoin'd him to consult the Father upon three very important articles of state, to which the Father caus'd distinct answers to be written by his amanuensis; and the Senate having read them that very night, conformed to his opinion in every point.

The Father still received visits, and when night came, he caus'd *St. John's* account of our Saviour's passion to be read to him, and spoke of his own misery, and of his entire trust in the blood of Christ, often comforting himself with these words, *Quem proposuit Deus mediatorem per fidem in sanguine suo.* He faintly repeated several passages out of *St. Paul*, lamented that he had nothing to present God with on his part, but sin and misery, and desir'd to throw himself into the abyss of divine mercy; a declaration which came from him with so much submission, and yet so much alacrity, that it drew tears from all that were present.

He was again visited by the physicians, who shewing a reluctance to leave him without some spark of hope, *Fulgentio* said, the Father was not a

man to be flatter'd, and therefore he desir'd them to be plain with him; which the dying Father seeming to assent to by a sort of smile, one of the doctors then told him, that his pulse shew'd he would be a dead man in a few hours; To which the Father, with a gladsome countenance, made answer, *Sia lodato Iddio, mi piace cio ch' a lui piace, &c.* blessed be God, whatsoever pleaseth him pleaseth me: With his help we shall perform this last action. Then the physician recommending some cordials to him, the Father interrupted him, saying, *let's have no more of these fooleries*, and desir'd they would resolve him of two doubts; first, whether he might absolutely depend upon the goodness of what they gave him, because as often as he put it to his mouth he loath'd it. But as he was going to mention the second, his breath left him, so that he could not speak, and the physicians finding by his pulse that his vital spirits were departing, they order'd him a little Muscadine, at the taking of which he said, *Questa uesta mi pare cosa violenta.* This seems to me a violent thing.

About six at night, not long before he expired, he rub'd his tongue with a small instrument, which he had us'd for that purpose a great while, and without a groan, or any other token of grief, utter'd several memorable words from time to time, repeating devout passages of scripture, and crying out, *Hor sum andiamo ove Dio chiama.* Away, let us be gone whither God calls us. The standers by seeing his speech begin to falter, and his pulse going off, beg'd him to take a little rest, at which he only smil'd, and pass'd his remaining time in such low whispers, that he could hardly be understood, except in some sentences of scripture, and once when he said, *Andiamo S. Marco che tardi, i. e.* let us go

go to St. *Mark's* before 'tis too late, which is the only thing he spoke in all his sickness without connection. When the clock struck eight he counted it, and bid his servant give him what his physician had order'd, but he could take very little of it; and finding himself expiring, he call'd *Fulgentio* to him, and being willing to be embrac'd and kiss'd by him, he bid him take his leave and depart, with these words, which *Fulgentio* says he could never forget, *Horsum non restate, &c.* Now stay no longer to behold me in this state, it will not be needful; therefore go to your rest, and I will go to God from whence we came.

Fulgentio indeed parted from him, but it was only to fetch the friers to pray with him, to whom tho' he could not speak, yet he convinced them that he had his understanding faculty till it departed with his soul. His last words, which were hardly intelligible, tho' often repeated, were *Esto perpetua*; from which *Fulgentio* infers, that at the same time that he recommended his soul so fervently to God, he did not forget to pray for the perpetual welfare of the most serene Republic. With these words in his mouth his speech went off; and then putting his arms across, and fixing his eyes a while upon a crucifix which was before him, together with a natural death's head, he shut them, and so breath'd out his spirit into the hands of God.

This calm departure of his pious soul to eternity was testified to the Senate by a public writing, subscrib'd and sworn to by all the reverend Fathers of the college of *Servi* that were present, in order to defeat the impudent lies which went abroad, that he dy'd howling and crying out, with apparitions of black dogs, and the like; and that his cell was disturb'd with unusual, horrid noises. But as *Ful-*

Fulgentio very well observes, 'tis strange such apparitions and noises could be seen and heard so far as *Rome*, when he is sure they never were by those that lived in the next chambers to his. The truth is, that the Father dy'd with so wonderful a character for integrity and piety, that 'twas generally said, if he had been in the favour of the court of *Rome*, and serv'd its interests, he would have been canoniz'd for a saint.

His death was such good news to *Rome*, that the then Pope could not help speaking of it as the handy work of God to take him out of the world, as if it had been a miracle for a man to die at the age of seventy one.

His corps being open'd, there appear'd the fairest conformity in all the parts of it that could be desir'd, except the heart, which was exceeding small, and seem'd as it were deserted. His stomach was so far from being foul, that it had nothing at all in it. His face had so good and smiling a colour, that some thought it look'd more venerable and beautiful than when he was living. He was bury'd at the public expence, and attended to his grave by a vast number of great persons of all sorts; yet his funeral was no more grand than what suited his private condition, except in the universal grief of the public. *Fulgentio* adds, that his coffin being open'd nine months after, he was found still entire, and his face fresh-colour'd.

When he was living he was thought very like his mother *Isabella*, especially in the eyes, and face, which was of a fair complexion, with the most humble and gentle countenance. His head, in the hinder part and upward, was round and well proportion'd, his forehead very large, and declining a little from the middle part toward the left temple.

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There appear'd a great vein down the middle of the forehead to the beginning of his nose, which was often full and empty, and when full it look'd as big as a finger, but when empty it left a channel big enough to lay the little finger in. His eye-brows were well arch'd, his eyes large, quick, and black, and he had an excellent sharp sight till he was fifty-five. His nose was large and long, but very straight. He had a very thin beard, and in some places his chin was bald, but not in the least unsightly. His face was rather fleshy than otherwise, his colour pleasing, and when he was in health, it was white and red, with a little yellowness that did not misbecome him; yet his aspect was altogether grave, tho' pleasant. His lips, especially the nether one, had a smiling sweetness. His hands were fair and long; and his fingers, which were also very long, seem'd to turn backward. He was commonly extreme cold in his hands and feet, for which he had not found a better remedy than warm irons, which he always carry'd wrapt up in balls. His head, compar'd to his body, was very large, for he was hardly any thing but skin and bones. He was a stranger to all the pleasures of the palate; and considering with how little food he nourish'd himself, 'twas a wonder how he liv'd.

His carriage, even when a youth, was a plain earnest of his future deportment, when he corrected by virtue such of his natural inclinations as were more imperfect, and rais'd the better sort to a great degree of perfection. He was, for the most part, retir'd, always thoughtful, but rather melancholy than serious, and was of few words with those of his own age, without caring even for the most moderate and healthful exercises, which children are so naturally fond of, insomuch that 'twas a

common saying among the novices, *We are all for trifles and pamphlets, but Frier Paul is for books.* He was the same all his life long, and he used to say that he could never understand the delight of a gamester, except it were in gratifying his avarice.

While he was yet a youth, he was respected by all men for his modesty, piety, and all the other virtues both christian and moral. He never swore so much as by his faith, spoke no unhandsome word, nor did an indecent action; and such an influence had his presence over the behaviour of others, that whenever the young *Servite* friers saw the Father approaching, they put on countenances as grave and serious as if he had been an officer of the black rod; so that it became a proverb among the fraternity, whenever they saw the Father at hand, *E qua sposa, la mutiamo propositio, i. e.* Here comes the bride, let us call a new cause. Yet for all this he was so pleasing and humble to all men, that not one could say the Father ever gave him a harsh word, or an angry look, except when they interrupted him in the public business.

His abstinence was so great, that he lived, for most part, upon bread and fruit, eating very little flesh till he was past fifty-five, complaining that it made him sick, and subject to great pains in the head. Many days he drank not at all, and when he was thirsty he us'd to go to the well and take but one draught, which made him so costive, that he commonly staid three days, and sometimes a week, before he had a stool, and when he had, it was painful to him, because he was always troubled with the piles, attended with a *procidentia* of the *rectum*, and an *hepatic* flux that continued to his old age. In the mean time he began to consult physicians, tho' he understood physick so well, that he chose rather to discourse

discourse them on their art, than to make use of their receipts. His friends however often advised him to drink wine; but so hard was it for him to alter his resolution, when he had form'd a judgment, that he could never be brought to taste it, except it was at the communion, till after the 30th year of his age; nor then, without much ado to perswade him; and in the 41 remaining years of his life, he would drink no wine but white, because of its resemblance to the colour of water; and he said before he dy'd, that one of the things he repented of, was that he had been perswaded to drink wine. His senses were the most acute and lively that any man had. His taste was so quick, that he discern'd a relish in things that to others were insipid, and nicely distinguish'd the several Ingredients of such as were compounded.

As for his natural affections none knew how to command themselves better. As he would gratify his palate with no food which he thought hurtful, so he did not scruple the taking of any physick he thought would do him good.

He always reckon'd every day his last, and said that he never remember'd himself so young that he could hope to see another year; and, as is generally the temper of people who think they are not long liv'd, his acquaintance observ'd that he never appear'd active or resolute, but cold and indifferent to all actions of importance, till the importunities of his friends, and the embroil'd state of his country, put him upon those glorious services which he afterwards performed, as counsellor of state to the most serene Republic.

Tho' (as has been said) he was naturally serious and melancholy, yet he was neither severe nor morose, but so compassionate, that he would do injury
to

to no body, nor permit another, if it was in his power to prevent it; and so tender was he, even to the creatures appointed by God for the support of life, that in his latter days, except in the greatest necessity, he would rather have fasted than kill'd any of them with his own hand, and seem'd to express a compassionate displeasure at the mention of the many living creatures he had formerly anatomized. Tho' he had the strictest regard to justice in his writings or conversation, yet he was more inclined to mercy than severity.

The Father, to his dying day, would never have more than one garment at a time, nor any ornament nor moveables in his chamber, but a portable quadrant of CHRIST in the garden, a crucifix with a natural death's head at the foot, and three hour-glasses. He never carry'd more money than what would suffice for one day's expence. He had no books but those he was daily supply'd with from his great friends, which he had so treasured up in his memory, that no prince in the world had a library equal to it. He divided his time in this manner: After his private devotions, which he always began before sun-rising, he spent the morning in study, till the hour of common service, on which he was a constant attendant; and the afternoon he employed in operations of his own hand, transmutations, sublimations, and the like, or in business of the state, and conversation with men of letters.

Tho' he seem'd to rely on divine providence as entirely as if he thought second causes not to be regarded, yet he never omitted the proper means, where such second causes were likely to produce their effects.

As to his infirmities of body, he try'd many remedies for the *Procidentia* of the *Rectum*; and when
he

he was about 55 years of age, he contrived an instrument with which he bore it up to the last day of his life, without being cumbersome to him, or giving the least pain, as many others in the same case experienced, to whom he imparted his invention; for so friendly and generous was his natural temper, that he was always ready to communicate to every one according to their necessity. His hepatic flux indeed was not cur'd till it had spent its course; but the retention of his urine troubled him not after fifty-five, till he was seventy years old.

Tho' several gentlemen and friers, whom he educated, were compleat masters of the mathematics, and of both natural and moral philosophy; yet to read lectures upon *Aristotle*, *Plato*, *St. Thomas*, *Scoto*, or *Gratian*, was so contrary to his genius, that he thought it a pedantic method, tending rather to supply persons with sophistical wit, than to increase knowledge or improve the mind, and to make men stiff in their opinions, than sincerely inquisitive after the truth.

The Father was of so very mild a disposition, that whenever he was consulted about any heinous offences committed against the state, he soften'd the vindictive justice of the senators, as much as the case would bear. In short, he always strove to incline them to acts of clemency, never omitting his endeavours to restrain the violence of fiery spirits, yet humbly submitting all to the wisdom and prudence of the government. And even in his own, as well as other writings design'd for the press, he was so careful to strike out every thing which might be offensive, that defalcation took up more of his time than addition. He was so far from revenge, as has been already seen, that how unjust and intolerable soever his wrongs were, the most he was heard to say,

say, by way of resentment, was, without altering the serenity of his countenance, *Videat Dominus & requirat* ; and he would even extenuate the injuries done him as much as possible, by saying that those who did them knew no better, or were oblig'd to it by interest.

He was so generous by nature, that when he was at the lowest ebb of fortune he never deny'd his friends what was in his power to grant them. But tho' the Republic allow'd him a handsome salary from the first time he enter'd into their service, he made no more use of it than was consistent with the poverty of his order. Nevertheless, after he had been way-laid and stabb'd by the assassins, he found it necessary, for his own defence, to accept of the whole provision made for him by the public, that he might be able to exercise such acts of benevolence and liberality to the convent, as might interest them in his preservation. For this end he took two friers into his service, one to look after him, and the other to write for him. To Frier *Marco*, who was his writer, he gave 600 ducats as a present, besides 50 *per annum* ; and to the other, who was Frier *Marino*, he gave 300 in bank to put forth 10 *per cent.* because he might have subsistence, and 40 *per annum* afterwards. He also thought it convenient to be liberal to those who manag'd the bread and wine, and to some cooks he gave no less than 60 ducats in one year. He was also very liberal to the convent upon other occasions, insomuch that to one man alone, who only desir'd to borrow so much, he gave above 2000 ducats ; for his manner of lending was always with this generous condition, that except he demanded it, the debtor should never offer to repay him. And here we cannot but admire the happy choice of his motto, which we find round his effigies ;

gies; for it was his common saying, *Imitiamo Dio e la natura*, i. e. let us imitate God and nature; since whatever they give they never expect again; and let us avoid the vulgar error of those, who think that to lend is to lose, or else put a friend to the blush, by requiring security.

The Father was so far proof against the attacks of ambition and vain glory, that, besides the many instances given of it in the course of his life, this was his constant advice, *Si spiritus dominantis super te ascenderit, locum tuum ne deseras*, i. e. if the spirit of bearing rule strive to get the mastery over thee, be sure to stand thy ground. And he used to say moreover, that he who walks upon stilts, or sits in a high place, does not lessen his labour, but goes in greater danger.

He was so modest, that he let his friends have the honour of publishing many of his ingenious discoveries and compositions, and never set his name to what he printed himself. In short, he was so little fond of perpetuating his memory, by any means whatsoever, that he would not so much as sit for his picture; so that tho' many effigies of him go abroad for originals, yet they are all but copies of one said to be in the gallery of a great king, which was taken by stratagem, for he would not give his consent, tho' he was courted to it by kings and great princes; and especially by the most illustrious and excellent senator lord *Dominico Molini*, his very good friend, and one whom the Father highly valu'd for his exquisite knowledge of ancient and modern history, and of the state of all the princes and governments in *Europe*. This noble senator had provided an eminent painter to take the Father's picture, and promised he should not sit at it above an hour, but could not obtain leave, tho' he got his confident

Fulgentio

Fulgentio to second his request; insomuch that being flatly deny'd, after he had kept the painter a fortnight in expectation, he was so much out of humor with the Father, that they did not speak to each other for some months after, tho' there passed very few days in seventeen years before, in which they did not spend some hours together.

His learning had render'd him so famous in all parts of *Europe*, that all persons of quality who came to *Venice* were fond not only to see him, but, as is the custom in those parts, to enter in their books his remarkable sayings. He had letters from the famous *Gillot, del Isle, Leschassier, Salmasio, Richer, Boviel, Casaubon, Thuanus*, and other learned men in *France*. He had also the honour of letters from many princes, and of visits from their sons; and there was one great prince in particular, who sending his son into *Italy*, charg'd him to visit *Orbis terrarum ocellum*, meaning the Father. And when the *Dutch* ambassador *Arsens* saw the Father cross the anti-chamber, as he was waiting for the senate's answer to his commission, he said to one of the senators in his company, that having now seen the most eminent man in the world, he could not think much of the fatigue and expence of his journey, tho' the *Venetians* should not grant his demands. *Fulgentio* adds moreover, that two crown'd heads invited him, by their ambassadors, to enter into their service; but the Father, with terms of the greatest acknowledgment, desir'd to be excus'd from quitting the service of the government under which he was born.

In 1622, the year before the Father dy'd, the Prince of *Conde* coming to *Venice*, desir'd by all means to discourse Father *Paul*, who not caring to be seen by him, the Prince so besieged him in his monastery, that the Father often shut himself up in
his

his cell without his dinner. The Prince, who knew he was within all the while, complain'd, with some uneasiness, that it was harder to get a sight of Father *Paul* than of the Pope himself. But a *Venetian* gentleman who accompany'd the Prince, giving him to understand, that the Father, as a counsellor of state to the Republic, could not answer to converse with foreign princes, or their ministers, without license from the Senate, the Prince not only got a permission, but a command for the Father to see him. The Father obey'd with reluctance, because he rightly suspected that the Prince wanted him to resolve not only his own questions, but those started by the curiosity of others. However, the Father prevail'd that their meeting might not be in the monastery, but in some public place, where others might be witnesses of the conversation, which was in substance as follows :

The Prince, who was a man of extraordinary sense and learning, wanted to know the Father's opinion of the protestants in *France*, whom he was pleas'd to represent as dangerous to the government. But the Father seeing him condemn the men, without touching on the least point of their doctrine, artfully diverted him, by putting him in mind of the wisdom and valour of the old Princes of *Conde*, his father and grandfather, of which the Prince quickly understood the meaning, and so that subject was wav'd.

Then the Prince ask'd his opinion about the difference of superiority between the Pope and Councils ; but the Father got clear of this question also, by putting him in mind of the *Sorbonne*, and how much they were alter'd for the worse since the admittance of the Jesuits into *France*.

The

The Prince propos'd another question, what he thought of the liberties of the *Gallican Church*? But the Father pass'd it over in general terms, saying that the Parliaments of *France*, and the *Sorbonne* itself, had maintain'd these liberties as the natural rights of all Churches, and that they have been better defended in *France* from usurpations than any where else.

The Prince put a fourth question to the Father, about the lawfulness of being assisted in war by those who differ from us in religion: To which the Father said no more, than that Pope *Julius II* made use of the *Turks* at *Bologna*, and *Paul IV* of the *Grisons* at *Rome*, calling them angels sent from God to defend him, at the same time that he thought them heretics. They discoursed largely of the excommunication of Princes, and particularly whether Princes, tho' excommunicate, have not the same right as ever, by the laws of God and nature, to the allegiance and obedience of their subjects; or whether they ought tamely to sit still, and leave not only their crowns and scepters, but their lives, to the mercy of unnatural rebels and seditious incendiaries. The Father's opinion upon this subject is learnedly and fully shewn in the ensuing treatise.

The Prince also ask'd him who wrote the *History of the Council of Trent*. To which the Father answer'd, that it was strange his highness did not know, after he had reported to the *Venetian* ambassador, at the *French* court, that the author of it was *Frier Paul*! And the Father only thought fit to add, that it was very well known at *Rome*.

The dispute betwixt the Republic of *Venice* and the Court of *Rome*, which was purely temporal, about jurisdiction, *Fulgentio* observes, was, by the advocates of the *Romish* See, artfully suggested to be altogether spiritual and religious; and he adds, that

that they affirm'd, both from the pulpit and the press, that those brave Senators, who maintain'd the cause of the Republic, had a design to make *Venice* a protestant state. He says further, that they particularly inveigh'd against Father Paul, as one who had not only stirr'd up the protestants to publish books against the Church of *Rome*, but had insinuated to the noble *Venetians*, that there was a necessity of altering their religion, or the Popes would enslave all *Italy*. " But if ever there was a
 " falshood in the world, says *Fulgentio*, this was
 " one; for tho' the Father had as much charity as
 " any man for christians of differing opinions, he
 " always taught and inculcated; that every christian, and much more princes, ought, for the sake
 " of conscience and good government, to endeavour
 " the preservation of the *Roman* catholic religion:
 " That God had constituted princes as his lieutenants, in all christian states, to be its protectors
 " and nursing fathers: That they were bound to
 " bless God continually, for placing them in the catholic and apostolic Church of *Rome*; and that to
 " abandon it would be the worst misfortune that
 " could befall them: That whatever might be the
 " abuses in the *Romish* Church, they were only to be
 " imputed to the members of it; that therefore no
 " man ought to be wavering in that faith, and that
 " the catholic princes especially should not suffer an
 " alteration of the religion so much as to be mention'd. He attributed the great diversity of religious orders and sects to the gross neglect of
 " princes, who, for their own interest or grandeur, suffered designing men to impose continually on
 " the people, under colour of devotion, without
 " considering that every innovation gains some
 " credit among the vulgar, who are always fondest

“ of superstition ; that religion is moulded by it to
 “ such form as shall best answer the ends of those
 “ who manage it ; and that time and custom transf-
 “ mit it to posterity with the stamp of authority.”

Here *Fulgentio* touches on the Father's opinion of Popes, Canons, and the rights of Princes ; but these articles are so fully treated of, under particular chapters, in the ensuing discourse, that 'tis needless to mention them in this place.

Fulgentio tells us, that for all this the court of *Rome* proceeded so far, as to brand the Father for a man of no religion. But is it possible, says he, that so spotless a life as the Father led should be chargeable with atheism and impiety, or that any argument should be drawn for so monstrous an accusation from the Father's great learning, considering that the holy scriptures impute atheism to ignorance, and the uncontroll'd affections of the mind!

At the same time that *Fulgentio* celebrates the Father for his great piety and devotion, he defies any man to tax him with favouring superstition, either in his words or actions.

He takes particular notice, that when the Father was advanced in years, he not only conversed with the senators of his own age, but with the young nobility, to whom he was a treasury of records and history. One of them, Signior *Marco Ernisano*, was so dear to him, that notwithstanding the Father's great and important employments, he had access to him whenever he came ; and if the Father was very busy, he always took the liberty to desire him to retire, and he comply'd without taking it amiss. Father *Paul* bless'd God that he had met with one man that spoke to him without a mask, for Signior *Marco* let him fully into the characters of all persons, and the state of all affairs at *Venice* ; and, when the

Father

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Father was in his declining age, modestly rallied him for pursuing his studies with more intenseness than was suitable to his years.

Father *Paul* was so subject to fevers, that every little accident threw him into long and violent ones, in which he observ'd a regimen very different from the common practice; for he would not alter his ordinary diet, nor keep his bed, but rose to read, write, study, and perform all his usual functions; so that no body could tell when he was sick, but by his aspect. If a raging fit came upon him in the day-time, he would lay himself along in his cloaths upon a chest or a table, but seldom in his bed. He appointed his own hours for eating; and when he took physic it was of his own prescription, not compounded, but simple, as cassia, manna, or the like. He publickly declared it as his opinion, that the common practice of physicians in prescribing, and of patients in taking so many purgations and other recipes, only serv'd to protract recoveries; and that to confine people, especially those in years, to their beds, and make them so suddenly abandon their usual diet and exercises, naturally tended to weaken them. This was the Father's constant method of governing himself, till he was sixty-one years of age, when he was seiz'd with a violent fever, that held him eighteen days together, in the hot month of *July*, during which he had no appetite for either meat or drink, but loath'd all that came near him; so that he was forc'd to take the advice of doctors, which *Fulgentio* says was the first time that he knew him resign himself to physicians. The public having appointed them to attend him, he had many visits from them, but often complain'd of his being oblig'd to alter his usual method, and to take others opinions of himself before his own. The physicians,

ficians, and particularly his old friend *Santorio*, told him he was a dying man; but the Father rightly guess'd he should not die that bout, and rallied his friend *Fulgentio* for being so much concern'd at what *Santorio* had said. *Santorio* going afterwards to see him, and feel his pulse, the Father ask'd him why he would go to flatter him, after he had already declar'd him a dead man; and when *Santorio* prescrib'd asses milk against his driness, he merrily thank'd him for his advice, saying, that he thought a man of above sixty years of age, as he then was, too old to be a foster-brother to the young ass of whose milk he prescrib'd him a part. *Fulgentio* adds, that he was thus merry and facetious in all his sicknesses; and that tho' he was above sixty, before he submitted himself to physicians, yet in the latter years of his life he chose to trust to the skill of those of the faculty, rather than to his own.

The Father was not a little to be admir'd for such a happy union of virtues, as are rarely to be met with in one and the same person. For both in his conversation and writings he was learned and humble, and wise and courteous. Tho' retir'd, he was active; serious, and pleasant; sharp, but inoffensive; his style being both concise and plain, sweet and manly. *Fulgentio*, who saw the notes he left behind him upon humane nature, thinks that no philosopher ever div'd so far into that knowledge as he did. He used, nevertheless, to blush when he heard himself prais'd for any of his excellent parts, and he avoided a very polite learned gentleman of his acquaintance, for no other reason but because he always saluted him with the title of *Illustrissimo Padre*; and he desir'd *Fulgentio* to tell him how much he disliked such compliments; but the gentleman said, to

whom

whom then can that title be due, if not to that angel of heaven? and whenever he enquired after the Father's health, he used this or the like expression, how does that angel of paradise?

The Father, however, was not without his Foibles, being at first, like most other men of profound learning, somewhat rigid, untractable, and hard to please, as at length himself own'd, when told of it; but he so combated those defects, that he intirely conquer'd them, and, as has been already shewn, became no less affable, mild, and obsequious, than he was religious, wise, and learned. He was indeed to the last as slow in his resolutions, as he was quick in his speculations; but this *Fulgentio* imputed to his extraordinary knowledge of history, and to his assiduous observation of examples and events, which, says he, naturally makes wise men cautious and diffident of their own notions and opinions.

Fulgentio, before he closes his dear friend's illustrious character, justly observes how impossible it is, especially in aristocracies, to find a body so united for the good of the public, in which there are not some who will hate, threaten, and persecute those who thwart their interests, affections, and designs, be the opposition ever so just and necessary: And here he laments the unhappy fate of Father *Paul*, who, by his constant postponing all private views to the public honour and justice, gain'd the ill-will of several great families in the senate, which some of them could not dissemble even while he was living. But his death was so lamented by others of the chief senators, that when they visited his cell, which very many did upon that occasion, they were pleas'd to observe the religious poverty

poverty of it, and said it was a paradise where a good angel dwelt.*

Fulgentio was one of the first that went about to honour the Father's memory by some monument, and would very probably have done it, if the convent of *Servi* had not hinder'd him, by resolving to make it a public act. But the Senate of *Venice* decided the dispute, by decreeing that there should be a monument and an inscription, at the charge of the State, which, says *Fulgentio*, is like to be the more magnificent and durable, because as yet there is nothing done in it.† But tho' he has been now dead very near a century, yet he still lives, and ever will live, in his own and the works of other great men of all nations, who were his contemporaries and admirers, with whose character of him we shall conclude his life, after giving the following catalogue of the learned and useful tracts he left behind him, calculated not only for the service of the *Venetians*, but for the whole republic of learning, and the common cause of christianity throughout

* *Morery*, in his *Historical Dictionary*, says, the people used to pray at the Father's grave, as supposing him a saint in heaven, till Pope *Urban VIII.* forbid it.

† The late Bishop *Burnet*, who was at *Venice* in 1685, says that he visited the convent of *Servi*, and was surprized to find Father *Paul* not so much esteemed there as elsewhere. But Mr. *Misson*, who likewise visited this convent in 1688, says that he found the friars to have a great veneration for the Father's memory; and that they said, though they knew not where his body lay, they did not doubt but God would discover it in due time. Mr. *Misson* adds, that he saw and took a draught of that dagger the Father so justly call'd *Stylum Romanum*, which, till 1709, when he heard it was remov'd, was to be seen at the foot of the crucifix, which is upon the Altar of *St. Mark*, near the tomb of *Thomas Lipomannus*, almost over-against that of the Doge *Andrew Vendramene*.

out Europe. They are, besides many anonymous pieces of several kinds,

1. *History of the Council of Trent.**
2. *Treatise of the Eye.* Under the name of *Aquapendente.*
3. *Treatise of Excommunication.*
4. Another on the same subject, with his defence of *Johannes Gerson* against cardinal *Bellarmin.*
5. *Considerations upon the Censure.*
6. *Le Confirmationi*, being a defence of the considerations, under the name of *Fulgentio*, against frier *Bovio.*
7. *Supplement to the history of the Uscoques.*
8. *De jure asylo Petri Sarpi Juris* (the name he was known by abroad.)
9. *Treatise of the Inquisition at Venice.*
10. *History of the Venetians during the Interdict.*

The two last translated into *Latin* by Dr. *Bedell*, afterwards bishop of *Kilmore.*

The latter was printed in 1626 by the *Bucks* at *Cambridge.* It was also trans-

* The *Venetians* desiring Father *Paul* to write an answer to a book that was published during the quarrel with *Rome*, intitled *Scrutinio del la Liberta Veneta*, or an inquiry into the *Venetian* liberties; the Father told them he had an answer ready, and delivered them the history of this Council, which he design'd to have intitled *Concilia Tridentina Eviscerata*; but being apprised of the danger of it by his friends, he alter'd his mind. It came first into the world by the means of *Mark Anthony de Dominis* archbishop of *Spalato*, who being exasperated by the court of *Rome*, got it printed at *London* in 1619. *Bedell*, who translated part of it, says it was divided into eight tomes. We find it was translated twice into *French*, once by *Deodati*, and another time by *M. Amelot de la Houlay*; but both those translations are reckon'd faulty. There is an abridgment of this history done by *M. Jurieu.*

lated into *English* the same year by Dr. Potter, and printed by Bill the King's Printer.

11. *Rights of Sovereigns, &c.* first printed in *Italian* and *French* in *Holland*, in 1721.

12. *History of the Valteline.*

13. *Maxims of the Government of Venice.*

14. *Tract of matters beneficiary.*

15. Two others upon the *Dominion of the Adriatic Sea.*

Out of the many great testimonies that might be collected, we have made choice of these that follow, which not only support the mighty character *Fulgentio* has given the Father, but contain some particulars which he seems to have been unacquainted with.

I. *Mark Anthony de Dominis*, ARCHBISHOP OF SPALATO, who deserting the Church of Rome came over to England, and was by King James I. made Dean of Windsor.] This was the Person, who, as was before observ'd, had the chief hand in publishing the first edition of the Father's *History of the Council of Trent*; and he inscrib'd it to his majesty, with the following eulogium on its great author, the same which Mr. *Bedell* quotes in his dedication of the Father's *Treatise of the Interdict* to King Charles I.

“ He was a man of great learning, judgment,
 “ and integrity, and of a most even disposition;
 “ one who most sincerely endeavour'd to compose
 “ ecclesiastical discord, and who, notwithstanding
 “ the disadvantages of a cramp'd education, made
 “ it manifest that he fram'd his life by the rule of
 “ a good conscience, and not by the prejudices of
 “ the world around him. He heard with uneasiness
 “ any indecent reflections on the Church of
 “ Rome, and yet he shew'd an earnest dissent from
 “ those

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“ those who regarded its abuses and corruptions
 “ as sacred institutions. He was moreover a steady
 “ adherent to, and constant follower of the truth,
 “ and thought it his duty to receive and embrace
 “ it wherever he found it.

II. Sir HENRY WOTTON, whom King *James I.* sent three times embassador to the state of *Venice*.] This Gentleman having been well acquainted with the Father, and lived hard by his monastery, gave a very good account of him to his friends here, which is transmitted to us in his remains, called *Reliquiæ Wottonianæ*, printed by Messieurs *Tooke* and *Sawbridge* in 1685. The first thing we shall take notice of, is a letter which Sir *Henry* sent to King *Charles I.* in 1627, recommending *William Bedell*, who had been his first chaplain at *Venice*, to the vacant post of provost of the college of *Dublin*, which he accordingly obtain'd and enjoy'd, till he was advanc'd to the bishoprick of *Kilmore*. Sir *Henry* thought he could not give his favorite a greater encomium, than to let his Majesty know how much he was esteem'd by the great Father *Paul*. Therefore, says he, “ this
 “ is the man whom *Padre Paolo* took, I may say,
 “ into his very soul, with whom he communicated
 “ the inwardest thoughts of his heart, and from
 “ whom he profess'd to have receiv'd more know-
 “ ledge in all divinity, both scholastical and posi-
 “ tive, than from any that he had ever practis'd in
 “ his days; of which all the passages were well
 “ known to the king your father, &c.

The second is a letter dated *January 17, 1637*. which Sir *Henry* sent, with the Father's picture inclosed, to the provost and regius professor of divinity in *Cambridge*. In it are these words:

“ I make bold to send you, for a new year's gift,
 “ a certain memorial, not altogether unworthy of
 “ some

“ some entertainment under your roof; namely, a
 “ true picture of *Padre Paolo the Servita*, which was
 “ first taken by a painter whom I sent unto him
 “ from my house then neighbouring his monastery.
 “ I have newly added thereunto a title of mine own
 “ conception, *Concilii Tridentini Eviscerator*; and had
 “ sent the frame withal, if it were portable, which
 “ is but of plain deal, colour’d black like the habit
 “ of his order. You have a luminous parlour — In
 “ that room I beseech you to allow it a favourable
 “ place for my sake: And if any shall ask, as in the
 “ table of *Cebes*, *τινός ἐστι τό δ’ ἄγαλμα*, I am desirous
 “ to characterize a little unto you such part of his
 “ nature, customs, and abilities, as I had occasion
 “ to know by sight or by inquiry.

“ He was one of the humblest things that could
 “ be seen within the bound of humanity; the very
 “ pattern of that precept, *Quanto doctior tanto sub-*
 “ *missior*, and enough alone to demonstrate, that
 “ knowledge well digested *non inflat*: Excellent in
 “ positive, excellent in scholastical and polemical
 “ divinity: A rare mathematician, even in the most
 “ abstruse parts thereof, as in algebra and the
 “ theoriques; and yet withal so expert in the histo-
 “ ry of plants, as if he had never perused any book
 “ but nature. Lastly, a great canonist, which was
 “ the title of his ordinary service with the state:
 “ And certainly, in the time of the Pope’s inter-
 “ dict, they had their principal light from him.
 “ When he was either reading or writing alone, his
 “ manner was to sit fenc’d with a castle of paper
 “ about his chair, and over head; for he was of
 “ our lord of St. *Alban*’s opinion, *that all air is pre-*
 “ *datory*; and especially hurtful when the spirits are
 “ most employ’d. You will find a scar in his face,
 “ that was from a *Roman* assassinate, that would
 “ have

“ have kill’d him as he was turned to a Wall near
 “ to his convent; and if there were not a greater
 “ providence about us, it might often have been easily
 “ done, especially upon such a weak and wearyish
 “ body. He was of a quiet and settled temper,
 “ which made him prompt in his counsels and
 “ answers; and the same in consultation which
 “ *Themistocles* was in action, *ἄυτοσχεδιάζειν ἱανότατος*,
 “ as will appear unto you in a passage between him
 “ and the Prince of Conde. [*Here Sir Henry confirms*
 “ *the dialogue that Fulgentio relates between the Father*
 “ *and that Prince.*] Then he gives an account, that
 “ when the Archbishop of *Spalato* above-mention’d
 “ return’d, upon some discontent, from *England* to
 “ *Rome*, where he renounc’d the Protestant religion,
 “ cardinal *Ludovisio*, nephew to Pope *Gregory XV*,
 “ went to welcome him into the lap of the Church,
 “ and told him that the Pope expected he should re-
 “ cant some books he had publish’d whilst he stood
 “ in revolt; but that as to *The History of the Council*
 “ *of Trent*, tho’ the archbishop had an epistle be-
 “ fore the original edition, the Pope would not press
 “ him to disown it; *Because*, said the cardinal, *we*
 “ *know well enough that Frier Paul is the author of that*
 “ *brat.* But Sir *Henry* says, that, to his knowledge,
 “ no such recantation was ever printed, whether be-
 “ cause he dy’d soon after, or whether the court of
 “ *Rome* thought, upon farther consideration, that
 “ things extorted with fear carry no credit, even
 “ by the Prætor’s edict. Nevertheless, other histo-
 “ ries of that time tell us that he dy’d in prison,
 “ and that after his death his corpse and writings
 “ were burnt for heresy in *Flora’s-field*. Sir *Henry*
 concludes his remarkable letter as follows. “ Thus
 “ —I have taken pleasure to remember that man
 “ whom God appointed and furnish’d for a proper
 “ instru-

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“ instrument to anatomise that pack of reverend
 “ cheaters, among whom (I speak of the greater
 “ part, *exceptis sanioribus*) religion was shuffled like a
 “ pair of cards, and the dice so many years were
 “ set upon us.

Dr. *Isaac Walton*, who wrote Sir *Henry's* life, takes notice, “ That the contest betwixt the Pope and
 “ the Republic was the occasion of Father *Paul's*
 “ knowledge of and interest with King *James*; and
 “ that for his sake he compiled *The History of the*
 “ *Council of Trent*, which, as fast as it was written,
 “ was sent in several sheets in letters, by Sir *Henry*
 “ *Wotton*, Mr. *Bedell*, &c. to King *James* and the
 “ Archbishop of *Canterbury*, and published here both
 “ in *English* and *Latin*.” The Doctor remarks farther,
 “ That the report of the *Venetians* being inclined to
 “ turn protestant, obtained the more credit, be-
 “ cause Sir *Henry Wotton* was often in conference
 “ with the Senate, and his chaplain *Bedell* more
 “ often with Father *Paul*.

III. Sir ISAAC WAKE, who was King *James's* Mi-
 nister at the Court of the Duke of Savoy.] In the
Cabala, which was printed at London in 1654, there
 is a letter from Sir *Isaac*, dated from *Turin* in October
 1619, and directed to the then secretary of state;
 in which he has these very words: “ Signior *Donato*,
 “ who was the *Venetian* ambassador, hath not been
 “ wanting to ruin, as far as he could, *Padre Paolo*
 “ and *Fulgentio*, two persons in *Venice* that have
 “ done his Majesty very long and faithful Service,
 “ as by an inclosed paper your honour may see,
 “ which is an abstract of a letter written from *Ful-*
 “ *gentio*. N. B. We don't find this abstract in the
Collection.

IV. Dr.

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IV. Dr. BURNET, *the late bishop of Sarum.*] In his Life of Dr. *William Bedell*, bishop of *Kilmore*, he gives this Character of *Father Paul*.

“ He was equally eminent for vast learning and
 “ most consummate prudence, and was at once one
 “ of the greatest divines and of the wisest men of his
 “ age. But to commend the celebrated historian of
 “ the Council of *Trent*, is a thing so needless that I
 “ may well stop. Yet it must needs raise the cha-
 “ racter of *Bedell* much, that an *Italian*, who besides
 “ the caution that is natural to the country, and
 “ the prudence that obliged one in his circumstances
 “ to a more than ordinary distrust of all the world,
 “ was tied up by the strictness of that government
 “ to a very great reservedness with all people, yet
 “ took *Bedell* into his very soul, &c. repeating Sir
 Henry Wotton’s character of him in his *aforsaid*
letter recommendatory to King Charles.

The bishop says, “ That the Father assisted
 “ *Bedell* in acquiring the *Italian* Tongue, in which
 “ he became a perfect master ; and that in requital
 “ he drew a Grammar of the *English* tongue for
 “ the Father’s use ; and he also translated the
 “ *English* Common-Prayer Book into *Italian*, which
 “ Father *Paul*, and the seven divines, who, during
 “ the interdict, were commanded by the senate
 “ both to preach and write against the Pope’s au-
 “ thority, liked so well, that they resolved to have
 “ made it their pattern, in case the difference be-
 “ tween the Pope and them had produced the effect
 “ which they hoped and long’d for. The intimacy
 “ between them grew so great and so public, that
 “ when Father *Paul* was wounded by those assassins
 “ that were set on by the court of *Rome* to destroy
 “ so redoubted an enemy, upon the failing of which
 “ attempt a guard was set on him by the senate,
 “ that

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“ that knew how to value and preserve so great a
 “ treasure, and much precaution was used before
 “ any were admitted to come to him, *Bedell* was ex-
 “ cepted out of their rules, and had free access to
 “ him at all times. They had many and long dis-
 “ courses concerning religion. He found Father *Paul*
 “ had read over the *Greek New Testament* with so
 “ much exactness, that (as *Fulgentio* tells us in his
 “ life) *he had mark'd every word of it*: And when
 “ *Bedell* suggested to him critical explications of
 “ some passages which he had not understood be-
 “ fore, he received them with transports of one
 “ that leap'd for joy, and that valu'd the discove-
 “ ries of divine truth beyond all other things.

The bishop takes notice of a book printed by
Thomas Maria Caraffa a Jesuit, containing several
 hundred theses of philosophy and divinity, and by
 him dedicated to the Pope, with such an impudent
 and extravagant inscription, as no true christians
 could read without astonishment, it being inscribed
 To PAUL V. the VICE-GOD, the most invincible
 Monarch of the Christian Commonwealth, and the most
 zealous Asserter of the Papal Omnipotency. But the Bi-
 shop says, “ That *Bedell* observing the numeral let-
 “ ters of the first words, *Paulo V. VICE-DEO*,
 “ being put together, made exactly 666, the number
 “ of the beast in the *Revelations*, he communica-
 “ ted this to Father *Paul* and the seven divines,
 “ who carry'd it to the Doge and Senate; and that
 “ it was entertained almost as if it had come from
 “ heaven; and it was publicly preached in all
 “ their territories, that here was a certain evidence
 “ that the Pope was Anti-christ.

The Bishop observes, “ That at last the breach
 “ between the Pope and the Republic was brought
 “ so near a crisis, that it was expected a total se-
 “ paration,

" paration, not only from the Court, but the
 " Church of *Rome*, was like to follow upon it ; and
 " that it was forwarded by Father *Paul* and the
 " seven divines with so much zeal, as well as pru-
 " dence, that Father *Paul* and the seven divines
 " pressed Mr. *Bedell* to move the embassador, who
 " was his patron Sir *Henry Wotton*, to present King
 " *James's* premonition to all Christian Princes and
 " states, which was then put in *Latin*, to the Se-
 " nate, and that they were confident it would pro-
 " duce a great effect ; but the embassador could not
 " be prevailed on to do it, tho' Father *Paul*, with
 " the seven divines, and many others, were weary
 " of the corruptions of their worship, and groaning
 " for a reformation. But when the reconciliation
 " with *Rome* was concluded, Father *Paul* was out
 " of all hopes of ever bringing things back to so
 " promising a conjuncture ; upon which he wished
 " he could have left *Venice*, and come over to *Eng-*
 " *land* with Mr. *Bedell* ; but he was so esteem'd by
 " the Senate for his great wisdom, that he was con-
 " sulted by them as an oracle, and trusted with
 " their most important secrets ; so that he saw it
 " was impossible for him to obtain his conge ; and
 " therefore he made a shift to comply, as far as
 " he could, with the established way of their wor-
 " ship ; but he had in many things particular me-
 " thods, by which he rather quieted than satisfied
 " his conscience. In saying of mass he passed over
 " many parts of the canon ; and in particular those
 " prayers in which that sacrifice was offered up to
 " the honour of saints. He never pray'd to saints,
 " nor joyn'd in those parts of the offices that went
 " against his conscience ; and as in private confes-
 " sions and discourses he took people off from those
 " abuses, and gave them right notions of the puri-
 " ty

“ ty of the christian religion; so he hoped he
 “ was sowing seeds that might be fruitful in an-
 “ other age; and thus he believed he might live
 “ innocent in a Church that he thought defiled.
 “ And when one pressed him hard in this matter,
 “ and objected that he still held communion with
 “ an idolatrous Church, and gave it credit by ad-
 “ hering outwardly to it, by which means others,
 “ who depended much on his example, would be
 “ likewise encourag’d to continue in it; all the
 “ answer he made was, that God had not given
 “ him the spirit of *Luther*. He expressed great
 “ tenderness and concern for *Bedell* when he par-
 “ ted with him; and said that both he and many
 “ others would have gone over with him, if
 “ it had been in their power; but that he might
 “ never be forgot by him, he gave him his picture,
 “ with a *Hebrew Bible* without points, and a little
 “ *Hebrew Psalter*, in which he wrote some sentences
 “ expressing his esteem and friendship for him; and
 “ with these he gave him the invaluable manuscript
 “ of *The History of the Council of Trent*, together with
 “ the Histories of the *Interdict* and the *Inquisition*; be-
 “ sides other papers of great importance, which
 “ were afterwards lost; for in *Mr. Bedell’s* letter to
 “ *Dr. Ward*, he mentions a collection of letters that
 “ were sent him weekly from *Rome*, during the con-
 “ tests between the *Jesuits* and *Dominicans*, concer-
 “ ning the efficacy of grace, of which *Father Paul*
 “ sent him the originals, but would not allow him
 “ to print them.

V. M. JURIEU, the famous French divine, who
 abridg’d *Father Paul’s History of the Council of
 Trent*; and wrote, besides other solid discourses, those called
 the *Pastoral Letters*.] In his twenty-first letter he says,
 “ The Father knew the corruption of the Roman
 “ Church,

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Church, at least, as well as *Luther*, made no se-
 cret of it, and no eminent protestant passed by
Venice to whom he did not discover himself con-
 cerning it. They often represented to him, how
 obliged he was in conscience to break with a
 Church, the impurity and idolatry whereof he
 so well understood; but he had a thousand rea-
 sons to offer in his own behalf, saying sometimes
 that he separated the good from the bad, some-
 times that he was of use to a thousand persons
 who lay hid, and had good sentiments. And at
 last, when pressed hard, he would own that God
 had not given to him the heart and spirit of *Luther*.
 Upon the whole, says *M. Jurieu*, 'tis cer-
 tain that if *Father Paul* had been of the temper
 and spirit of *Luther*, *Venice* had been at this day
 what *Geneva* is; and if *Luther*, *Zuinglius*, and
Calvin, had been of the temper and spirit of *Fa-*
ther Paul, all *Europe* had been yet what *Venice* is
 to this day.

VI. Sir THOMAS POPE BLOUNT *Bart.* in his
Censura celebriorum Authorum, quotes some authori-
 ties to prove that *Father Paul* was the first that dis-
 covered the circulation of the blood; but this be-
 ing a matter too important to be taken intirely up-
 on the credit of those authorities, and *Father Paul*
 wanting not the accession of any honour that does
 not really belong to him, an *English* chirurgeon has
 been consulted upon this subject, who is celebrated
 for one of the most accurate, and indefatigable
 inquirers of this age into ancient and modern
 history, especially that of physick and chirurgery,
 and who was not long ago, for his services to the
 faculty in that respect, admitted a fellow of the
 royal society. The Person here meant is Mr. *William*
f
Beckett,

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Beckett, who has just published that curious dissertation concerning the *Touching for the Cure of the King's Evil*, in two letters to Dr. *Steigertahl* physician to his Majesty, and Sir *Hans Sloan* Bart. This gentleman, whose opinion commands no small deference, seems to give the merit of the discovery of this noble secret to our learned countryman Dr. *William Harvey*, who was chief physician to King *James* and King *Charles I.* and professor of mathematics and chirurgery in the *College of Physicians* in *London*. However, we will first give Sir *Thomas Pope Blount's* testimonies, together with *Fulgentio's* account of this matter in favour of Father *Paul*; and then bring Mr. *Beckett's* testimony in favour of Dr. *Harvey*, submitting both to the judgment of the curious. Sir *Thomas's* testimonies are these.

Johannes Leoniceus, who says, tome i. of *Nouvelles de la Republique des Lettres*, " That Father *Paul* discovered the circulation of the blood and the valves of the veins, but that he did not care to publish it for fear of bringing a storm upon him, because he was so much suspected before, that his very starting of this new hypothesis was enough to have confirmed him for a heretic in countries of the inquisition. Therefore he divulged his secret to no body but *Aquapendente*, and the *English* embassador. The former was exceeding cautious how he reveal'd it, and staid till the Father was dead before he put the book, which he had compos'd touching the valves of the veins, into the hands of the Republic of *Venice*; and forasmuch as even the least novelties make a mighty noise in that country, the book was conceal'd in the library of *St. Marks*. But *Leoniceus* observes, that as *Aquapendente* made no scruple however to reveal the secret to a very cu-
rious

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“ rious young gentleman, Mr. *Harvey*, who studied
 “ under him at *Padua*; and as Father *Paul* had al-
 “ so imparted it to the *English* ambassador, those
 “ two *English* men returning home, and finding
 “ themselves in a free country, published the hypo-
 “ thesis, and having confirmed it by experiments,
 “ had all the honour of it.

Carolus Fracassatus, in his prefatory epistle to
Malpighius, says that a certain *Italian* found out the
 circulation of the blood before *Harvey*; and *John*
Walaus, in his epistle to *Bartholinus* a physician of
 eminence in *Sweden*, brings Father *Paul* upon the
 stage as the first discoverer of that noble secret.

Dan. Geo. Morhof says also, that the Father dis-
 covered the circulation before *Harvey*, and takes no-
 tice that the *English* were angry with *Bartholinus*
 that he should go about to rob their doctor of the
 glory of the invention. This *Morhof* adds that the
 Father, whom he calls the *Phoenix of his Age*, wrote
 to *Isaac Casaubon* in *England*, to make interest for him
 with the King, if the ill state of affairs should ob-
 lige him to leave *Venice*.

Fulgentio's account of this matter is as follows:
 “ The discovery of the valves of the veins was
 “ first started by *Aquapendente* at a public anatomy;
 “ but there are still living many eminent and lear-
 “ ned physicians, among whom are *Santorio* and
 “ *Peter Asselineau* a *Frenchman*, who know that it
 “ was no speculation or invention of *Aquapendente*,
 “ but of Father *Paul's*; who, considering the gra-
 “ vity and weight of the blood, conceived a no-
 “ tion that it could not stay in the veins, except
 “ there were some bunch to hold it in, some folds
 “ or shuttings, at the opening and closing of which
 “ there was given a passage and necessary *equilibrium*
 “ to life. And upon his own natural judgment he
 f 2 “ apply'd

“ apply’d himself to dissections with so much accu-
 “ racy, that he found out those valves, and the
 “ right use of them, observing that they stop’d and
 “ hinder’d the blood from dilating itself, by its own
 “ weight, into the veins; and that otherwise the
 “ blood, by running up and down with too much
 “ liberty, and in too great a quantity, might easily
 “ suffocate the natural heat of those parts which
 “ ought to receive their nourishment from it. Con-
 “ sequently, he discovered that an athletic habit of
 “ body was so dangerous, for no other reason, but
 “ because the great quantity of blood in the veins
 “ might hinder the use of those valves, and there-
 “ by produce a suffocation, for want of ventilation.
 “ Of this he gave account to some friends of that
 “ profession, and especially to *Aquapendente*, who
 “ made a very great use of it in a public anatomy,
 “ after which several famous authors treated more
 “ largely of the subject.

Mr. *Beckett*’s testimony on the other side of the
 question is as follows: “ *Dr. William Harvey*, a
 “ person born for the good of mankind, has been
 “ generally allow’d to be the author of that great
 “ and noble discovery of the circulation of the
 “ blood. To go about to enumerate all the authors
 “ that have ascribed this to him would be an end-
 “ less task; I shall therefore only take notice of
 “ what has been principally objected to it by one
 “ or two writers, who have ungenerously, since his
 “ death, endeavour’d to rob him of this deserved
 “ honour. He himself, in one of his epistles to
 “ *Riolan*, tells us that various were the censures
 “ pass’d on his book of the circulation of the blood,
 “ published several years before that time: Some
 “ highly approv’d of the performance, some rais’d
 “ objections

“ objections against it in a private, others in a pub-
 “ lic manner, which he answer’d. But all this time
 “ we hear nothing of any body’s putting in a claim,
 “ as a sharer in the discovery, except *Honoratus*
 “ *Faber*, who was so vain as to pretend to it, tho’
 “ *Harvey*’s book on this subject had been printed ten
 “ years before *Faber* wrote of it. Our author *Harvey*
 “ had more than once in his writings, which were
 “ soon spread over *Europe*, attributed the whole of
 “ the invention to himself: He demonstrates by
 “ what traces, as it were, he was led to so happy
 “ a thought; and for above nine years together
 “ the college of physicians in *London* could testify
 “ with what application he engaged himself in this
 “ affair, in order to be certain of the truth of it,
 “ before he made this discovery public; yet in all
 “ this time, which could not probably amount to
 “ less than twenty years, we hear nothing of any
 “ ones having any just pretensions to the right of
 “ this discovery but himself. But at length, as
 “ merit always procures envy, a story began to be
 “ trump’d up, in order to eclipse Dr. *Harvey*’s renown,
 “ by one *Walaus*, a professor of physic at *Leyden*, who
 “ intimates that *Paulus Servita*, a *Venetian*, having
 “ discovered the valves in the veins, which *Fabri-*
 “ *cins ab Aquapendente* afterwards made public, he
 “ was happily led, as *Walaus* imagines, to the
 “ knowledge of the circulation of the blood, and
 “ that Dr. *Harvey* did no more than improve the in-
 “ vention. But of this *Walaus* I am to observe,
 “ that he was a prejudic’d person, so that we ought
 “ by no means to expect an impartial account from
 “ him: He had been before this a strenuous opposer
 “ of *Harvey*’s doctrine, and put *Plempius*, a doc-
 “ tor of physic in the university of *Louvain*, upon
 “ writing against it, in order to refute and explode
 “ it;

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“ it; but on the contrary, his inquiries discovered
 “ the certainty of *Harvey*’s demonstrations; and, as
 “ *Plempius* in his writings afterwards acknowledges,
 “ he was by this means refuted and exploded him-
 “ self. When this would not do, *Walaus* trumps up
 “ the story of Father *Paul*; but not bringing any
 “ authority to justify from whence he had it, and
 “ he being a declared enemy to *Harvey* and his doc-
 “ trine, any one may readily judge what credit is
 “ to be given to it. Another person, who attempt-
 “ ed to rob *Harvey* of the honour of this discovery,
 “ was *Thomas Bartholine*, who pretends to affirm
 “ that *Veslingius* had communicated to him, as a
 “ secret never to be reveal’d to any third person,
 “ that the circulation of the blood was the inven-
 “ tion of Father *Paul* the *Servite*, who had written
 “ a book of it, which was in the custody of *Fulgen-
 “ tio* at *Venice*. But to prove that this whispered
 “ story was a mere forgery, we are to observe, that
 “ this *Fulgentio*, who wrote the life of Father *Paul*,
 “ and who has taken care to attribute to him all
 “ the subtile speculations and natural secrets he
 “ was master of, says not one word about his ha-
 “ ving discovered the circulation of the blood, or
 “ that he had in his hands any such manuscript as
 “ *Bartholine* has talk’d of, the mention of which he
 “ would never have suffer’d to have escap’d him,
 “ seeing it would have added so much to the glory
 “ of Father *Paul*, to whom he has done so much
 “ honour. Besides this, it’s very plain from *Ful-
 “ gentio*’s account of Father *Paul*’s discovery of the
 “ valves in the veins, that he did not know the
 “ true use of them; and from his mentioning the
 “ flux and reflux of blood in the same vessel, he
 “ was still much farther from having any just idea
 “ of the blood’s circulation. So that we shall still
 “ find

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“ find that *Dr. Harvey* was the man, who, by the
 “ help of an admirable sagacity, assisted by a vast
 “ number of anatomical dissections, and an assidu-
 “ ous application to these affairs for many years to-
 “ gether, did at last arrive at the invidious felicity
 “ of this great discovery.

’Tis confessed, that the testimonies we have quoted, relating to the circulation of the blood, would have been fittest for a treatise of anatomy; but we hope that none will think it an unnecessary digression, since thereby a fact is settled, which has been much controverted by some foreigners, who envied our learned countryman, *Dr. Harvey*, the honour of so noble a discovery.

There is one testimony more from *Sir Thomas Pope Blount*, relating to the Father’s character in general, and with that we shall conclude. It is that of *Johannes Baptista Porta*, a *Neapolitan*, who flourished about the end of the 16th century. He says, *lib 7. Magia naturalis*: “ We knew Father Paul at *Venice*,
 “ and, far from being ashamed, value ourselves for
 “ what we learned from a man, than whom we
 “ have not yet seen one more learned or acute; and
 “ who was, in short, not only the ornament and
 “ glory of *Venice* or *Italy*, but of the whole world.

Many other testimonies of Father Paul’s great piety, wisdom, learning, and virtues, might be collected, if it were necessary, from the writings of *King James*, *Bishop Cosin*, *Bishop Barlow*, *Dr. Crankhorp*, *Isaac Casaubon*, *Jes. Scaliger*, *Hugo Grotius*, *John Gerlhard Vossius*, *Nich. Rigaltius*, *Edm. Richerius*, *Dominicus Baudius*, and even *Cardinal Bellarmine*; but ’tis hoped these already given will be thought sufficient.

Mr.

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Mr. *Brown*, Rector of *Sandridge* in *Kent*, who translated *Father Paul's Letters*, says, in his Preface, that King *James* had a respect for the Father, and would fain have had him over here, as he had *Isaac Casaubon*, and other eminent men. The reverend translator promised the world also, many years ago, to give a new translation of the Father's life, and to compare it with *Fulgentio's* manuscript copy of it, which Sir *Roger Twissden*, by means of his Brother, who was very intimate with the said frier, procured from *Venice*. But as neither Mr. *Brown*, nor any body else, has yet printed any other *English* translation of *Fulgentio*, besides that obscure one we mention'd in the Introduction, 'tis hoped that ours will meet with a favourable reception; not only for its own sake, but also for the noble testimonies we have added in favour of the Father's character, which will certainly be of much more weight than the malicious and scurrilous aspersions cast upon *Father Paul* by the Jesuit *Maimbourg* in his *History of Lutheranism*, or by Cardinal *Pallavicini* in his *Counter-history of the Council of Trent*.





THE P R E F A C E.

THE book, which is here presented to the reader, was first published this year at the Hague, by M. Scheurleer, both in the Italian and French languages, and by him dedicated to M. MAURICE LE LEU DE WILHEM, lord of Waelwyck, eldest president of the sovereign Council, and of the feudal court of Brabant, at the Hague ; a personage of an illustrious family, of an established character for his knowledge and love of the Belles Lettres, and of undoubted probity and candour.

These reasons, added to the singular veneration which both this gentleman, and his honourable father always paid to the memory of FATHER PAUL and his writings, were what principally determined the bookseller to make choice of so eminent a name to patronize, and protect his book, against the clamour that might naturally be expected from the Romish clergy, on seeing a book of this kind,

* a

composed

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composed by one of the greatest men of their communion, first published 100 years after the author's death, in a country which passes with the court of Rome for a land of heresy.

In order to remove all manner of doubts of the book's being authentic, M. Scheurleer the bookseller observes, that his learned patron was so thoroughly acquainted with the FATHER's stile, and way of writing, that he could not possibly be imposed upon in this respect; and his French translator satisfies the world how he came by the original Italian manuscript, from which he printed it, and why it saw the light no sooner.

To take off the reader's wonder why a manuscript of such importance to all the sovereigns in christendom was suffer'd to lie so long dormant, the translator observes, that it was the author's own desire it should be confined to the archives of Venice, for the sole and proper use of the government under which he was born, whenever they should have occasion, as they had then, to withstand the usurpations and incroachments of the neighbouring court of Rome. And in confirmation of this, he takes notice of the Father's own words (page 3) where he says: I must own however, that as much as I desire to comfort all ranks alike, yet I don't think it proper that every thing I have to say on this head should be published, because the prince and the subject cannot help thinking differently on affairs of this kind — For this reason I could wish that these few advices might be set apart,
like

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like a prince's private treasury, for their service only who are at the head of affairs. Your lordships can make a proper use and improvement of them in due time and place ; but the common people, like a man's taking physic in a fit of the ague, would weaken their constitution instead of mending it.

The most illustrious lords inquisitors of the state of Venice, to whom Father Paul dedicated this work in 1606, thought his request so just, and his arguments for it so rational, that they made no scruple to comply with it, and were content to fight with his weapons against all attacks that were made upon their Rights of Sovereignty, without letting either their friends or enemies know from what armory they took them.

The French translator proceeds in the next place to give some account how M. Scheurleer came to be master of such a secret and valuable copy. He does not make so full a discovery as some perhaps would expect, for fear, among other reasons, of offending and prejudicing certain persons, to whom he owns himself obliged for it. Therefore he hopes he need say no more, than that a certain (nameless) Gentleman brought the copy of the Father's manuscript from Venice, and put it into the bookseller's hands, and that the original still remains entire in the senate's library, to be consulted by those that may happen to have any doubts concerning the genuineness of the copy. However, there are these farther circumstances, for the satisfaction of such as are not acquainted

with the Father's stile, viz. that when the Sieur Scheurleer was about to print the said copy, he apply'd to some persons of rank and learning, who he thought might be capable of giving him some light as to the authority of his copy; and that when they had seen the title and the heads of the chapters, and perused some of their contents, they assur'd him that it was really a copy of Father Paul's manuscript, and that they wonder'd how he came by it, since they themselves had seen the original, and done all they could to get a copy of it when they were upon the spot, but in vain; so that after giving the work its due Encomia, they conjured him to withhold it from the public no longer. The French translator adds, that just as this book came out of the press, he was well inform'd there was another copy of the same original manuscript in the library of a certain person, illustrious by his birth, his posts, and by his love for the Belles Lettres. He wishes he were at liberty to mention him, and other persons, whose names alone would be sufficient to remove all doubt of its being an authentic copy, but he says a world of reasons constrain him to silence. For the rest, says he, such as have read him in any of those different languages into which his works have been translated, will know that this is Father Paul's treasure from the beginning to the end.

What gave occasion to the Father to compose it was this.

The P R E F A C E.

v

Pope Paul V, according to the character given of him in the Lives of the Popes, was so zealous, even before his advancement to the chair, for the ecclesiastical liberties and immunities, that he bore a mortal hatred to such as opposed the licentiousness of the clergy, and maintain'd the Rights of Sovereigns against their usurpations.

No wonder therefore that he came to the chair with such an implacable grudge against the republic of Venice, which then made a nobler stand for the Rights of Sovereignty than all the other princes and states in the world. This Pope was scarce warm in his chair, but he sought to pick a quarrel with the most serene republic, accusing them of having invaded the authority of the Church and the holy See, on three Accounts. 1. By opposing the foundation of sacred places, and the exorbitant grants made to monasteries and other churches. 2. By submitting ecclesiastical estates to alienation by long leases: And, 3. By assuming a right to judge ecclesiastics in causes civil and criminal.

The republic, in an answer to these complaints, shew'd that they were entirely groundless; which kind of resistance was enough to inflame the Pope's choler, so that he issued out a formal excommunication, together with an interdict, against the doge and senate, which was dispatch'd April 17, 1606, and gave occasion to this treatise, at the End of which the reader will find the said bull inserted. Father Paul quickly perceived the conster-

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consternation with which the said sentence had filled the minds not only of the honest burghers, but also of some noble personages who were at the helm of government; therefore he thought it his duty as a patriot, as a divine, and as a counsellor to the commonwealth, to dissipate that groundless terror, by drawing an exact parallel between the pontifical authority and the respective Rights of Sovereigns.

All the great lawyers and divines took up the cudgels; and, as Father Paul says, an army of writers were got into the field before the month of August.

Seignior Antonio Quirini, a senator, was one of the first that came out with a learned Dissertation on the Rights of the most serene Republic; and at the same time our Father Paul published a treatise entitled, Considerations on the Censures of his Holiness Paul V against the Republic of Venice. Then he was concerned with six other eminent divines of Venice, in composing a Treatise on the Interdict, which at that time made so great a noise. Two anonymous civilians joined issue with those illustrious writers, and published a curious and learned Letter, address'd to the Pope, in which they demonstrated the nullity of his brief of excommunication, and the injustice of his violent conduct. John Marfilli, a Neapolitan priest, and doctor of divinity, entered the lists also by the publication of an anonymous letter, entitled,
The

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The Answer of a Doctor to a Letter from his Friend upon the Censures, &c. The famous cardinal Bellarmin attacked him, but met with his match; for after he had answered the doctor's arguments with all the bitterness in his nature, the doctor repelled his sophisms, not by invectives, but by solid arguments, in an answer which he wrote, entitled, The Defence of John Marfilli's Answer to eight Propositions, &c. Then an extract was published of the famous Gerson's sentiments, touching the Validity of Excommunications, which seems to have been done by Father Paul; for, besides its being found in the catalogue of his works, he did not suffer cardinal Bellarmin to attack it in his usual stile, with impunity, but vigorously undertook the defence of it, though always with moderation, and answered the propositions of that splenetic cardinal against the sentiments of Gerson, that famous oracle of the university of Paris, and of the Gallican Church. This answer is to be met with in the second tome of his works, and is entitled, An Apology against the Objections of Cardinal Bellarmin.

These were the principal tracts which were published on account of the said bull. There were a great many other small pieces which made little or no noise, and were distributed among the vulgar, to give ease to such sciences

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sciences as the conduct of certain monks, and especially the jesuits, had frightened almost into despair of salvation.

Whoever reads the pieces above mentioned, will find that this, now published for the first time in England, not only includes, but excells them all.





THE
RIGHTS
OF
SOVEREIGNS.

F the many infirmities to which mankind is liable, there are few more dangerous, or more difficult to be cured, than the distempers of the mind. Physic abounds with simples and remedies, either for correcting a peccant humor, or for renewing our whole constitution; but the afflictions of the mind are not so easy to be remov'd; nay, not at all, but by the entire change of sorrow into joy. External remedies signify nothing to a troubled mind, and nothing is capable to expel the chagrin which frets it, but the voluntary surrender of the mind to comfort when 'tis offered. I myself,
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2 *The Rights of Sovereigns.*

most illustrious Noblemen, tho' convinced of the indivisibility of the soul, by that unity of actions I have always observed in my own, which has hitherto professed the most constant respect and strictest submission to your Government, do nevertheless feel the effects of that sorrow, which I perceive in persons who command, as well as those who obey; for I will be bold to say it, I see you all in some sort of concern at the pretended *Interdict* which 'tis imagin'd you are now under. Indeed, upon some occasions, you affect to seem wholly unconcern'd, and to carry it off with an air of courage; but is not this rather the language of your lips than of your hearts? Really, for my own part, when I consider the great piety of this republic, I am not surpriz'd to see the whole body alarm'd, at the threats and cursings of those who pretend to be the sole judges, guardians, and defenders of the faith of *Jesus Christ*, who industriously give out that princes have nothing to do with such affairs, as at present concern us; and when told that *David* was both a King and Psalmist at one time, think to ward off the objection, by saying, that was purely owing to the divine grace, which made him a man after God's own heart, and not in the least to nature.

Be this as it will, I now propose to examine the matter to the bottom, to anatomize it, to strip it of its artful disguise, and expose it naked to the whole world; for as *Seneca* said
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very justly, *Take off but the mask of Death, and it loses all its deformity.* I therefore perswade myself, that not only those who discover so much sagacity and prudence at the helm of affairs, but even the common people will throw off all that silly fear, that panic sort of terror, and be convinced, that by depending on their own innocence, they will not fail both of comfort and encouragement, from the testimony of a good conscience.

I must own, however, that as much as I desire to comfort all ranks alike, yet I don't think it proper to publish every thing that I have to say on this head, because the prince and the subject cannot help thinking differently on affairs of this kind. God has establish'd such a difference betwixt one soul and another, that tho' it be not essential to them, 'tis, nevertheless, so real, that it has been often a question, whether all men are of the same species. Knowledge, like wine, exhilarates great men, but intoxicates little ones, in proportion to the quantity they take of it. Nothing is sweeter and more tempting, than to excel others in knowledge, and nothing more difficult than to conceal or disguise so noble a talent. For this reason I could wish that these few advices might be set apart, as the prince's private treasury, for their service only who are at the head of affairs; your lordships can make a proper use and improvement of them, in due time and place; but the com-

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4 *The Rights of Sovereigns.*

mon people, like a man who takes phyfic in a fit of the ague, would weaken their constitution instead of mending it: If it be good for the commonalty to be kept in ignorance of state affairs, 'tis absolutely necessary they should be as ignorant of matters of faith; because hidden mysteries are always treated with more regard than things that are familiar. 'Tis enough for the people to be able to read their destiny in the countenance of their prince; and as the happiness of the soul consists in the beatific vision, so the vulgar may please themselves with observing the serenity of their Governors countenances, and note from thence that the affairs of state go well, because *tribulatio & angustia in omnem animam operantis malum*; i. e. tribulation and anguish are upon every soul that worketh evil. A watch, tho' it contains several wheels, has its various motions from but one; I shall therefore succeed in my design, if I restore the sovereign to himself, because at the same time I shall restore tranquility to my fellow subjects, which is the greatest service I can possibly do for my country.

All christians are oblig'd to obey the Pope
 —States are nothing else but a mixture of a great number of christians—There is but one weight in God's balance—The Church is only a body compos'd of as many members as there are persons who have receiv'd baptism
 —A person excommunicated is a rotten member,

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member, separated from the body and unity of the Church, for fear it should corrupt the other sound members—There is no other catholic Church by which there is an entrance to paradise, but *St. Peter's*. The excommunicated person is like useless lumber in a ship, which is thrown over-board lest it should sink the rest of the cargo.

All these thoughts are like so many court maxims, true in one sense, but some are so rash as to borrow arguments from them, for scattering terror among the people; and from hence proceeds that panic fright with which so many poor souls are terrify'd. We will now oppose them with certain propositions, which, when set in their natural light, and disengaged from all artful turns, may give great hints to those who would weigh this matter as it ought. Therefore let us examin,

1. Whether the Pope and the Church have a power to excommunicate?

2. What persons are subject to excommunication, and for what causes should recourse be had to it?

3. Whether an appeal may be lodg'd against excommunication?

4. Whether the Council or the Pope is superior?

5. Whether a lawful prince may be deprived of his dominions by virtue of excommunication?

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6. Whether a person who disturbs what is call'd ecclesiastical liberty justly incurs excommunication?

7. What that liberty is, and whether 'tis confined to the Church, or extended to all her people?

8. Whether the possession of temporalities, which belong to the Church, is of divine right?

9. Whether a free republic can be deprived of its dominions by virtue of excommunication?

10. Whether a secular prince has a lawful right to appropriate the tenths of the clergy, and an independent authority to ordain what is useful to the state, with respect to ecclesiastical persons and estates?

11. Whether a secular prince has, of himself, a right to judge ecclesiastical criminals?

12. Whether the Pope is infallible?

We will be so complaisant to our adversaries, as to allow them all we can in the examination of so many nice points, and we will grant them even more than they desire, protesting that we only take up the pen for the sake of truth, and that we have no other view than to give peace to consciences, and even to theirs, who have so much at heart the interest of the court of *Rome*, if it be possible for such to acquiesce with equity. I shall not
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here use any of those arguments which favour of the monk, but express myself in as general and familiar terms as possible, knowing that the monster ignorance is often conceal'd in the labyrinth of hard words; so that like a pilot who is toss'd about by contrary winds in the ocean, without any other guide than the compass, whose needle always points to the north, I shall render to every one his due, and shall only aim to bring back mens souls to the harbor of peace, which they have lost; and if after all this, they exclaim against me as wicked, because I tell the truth, I shall say of my adversaries, in my own defence, what is said of some physicians, that, for their own interest, they would have people rather sick than well.

C H A P. I.

*Whether the Pope and the Church have
a power to excommunicate?*

WE treat of this question, not because we doubt of it, but for the sake of order and distinction. Being under the power of the gospel, we think it our duty to obey those who are jealous of the privilege that has given them of commanding others: *Quodcumque ligaveris super terram, erit ligatum & in cælis*, i. e. "Whatsoever ye shall bind on earth, shall be bound also in heaven." 'Tis true, that

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some pretend this passage ought not to be understood of excommunication, which, say they, is not a bond, but the cutting off a member; yet the best catholic authors have generally explain'd that text in favour of excommunication; and this was also the opinion of the ancient Church, in those times when such as were promoted to ecclesiastical dignities had no patrimony but the glory of God, and very often the torments of martyrdom. In this sense too we heartily subscribe it. So that here is the legal authority of excommunication recognized, in the first place, in the Pope, and in all who shall be invested with the pontifical dignity, according to that maxim, *Quod Petro dicitur, omnibus dicitur, i. e.* What is said to *Peter*, is said to all. They derive this power from the gospel itself; and the other ecclesiastic judges, who are not Popes, derive it, as some say, from them, by a sort of delegation. But I shall not enter into an enquiry, whether the said authority is communicable, according to the good pleasure of men.

Let us now examin what excommunication is.

It must be own'd, in the first place, that excommunication is not sin, but the punishment of sin; consequently, excommunication takes place only when there is sin, and such sin moreover, as is committed after excommunication threatned. It may, perhaps, be inferred from hence, that the enormity of sin
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must therefore be the cause of that threatening; but this is so far from being true, that 'tis universally allowed, that there is an infinite number of very enormous sins, which are not subject to excommunication. And from hence it may be concluded, that excommunication depends on the pleasure of the ecclesiastical judge, who fulminates it when and how he pleases.

Excommunication is an ecclesiastical punishment, by which the prelate separates a person from the body of the Church, by depriving him of all the spiritual benefits, which the said Church dispenses to believers; and this he does, lest that rotten corrupt member should infect the sound members of the mystical body. The benefits which the Church dispenses to believers are innumerable; for not to mention the infinite merits of *Jesus Christ*, of the holy virgin and the saints, which cannot be deny'd, all the good works of surviving believers become the common stock of all the faithful, as brethren regenerated by baptism: Thus the riches of the greatest saints go towards the relief of the vilest sinners, *Particeps ego sum omnium timentium te & custodientium mandata tua, i. e.* I am a partaker with all that fear thee and keep thy commandments. In like manner excommunication is an act derogatory from the contract made by a christian at baptism, as to his part and portion of so many spiritual benefits; and 'tis the same with a person excommunicated, as it is with a son disinherited

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herited for having offended his father, and who, on that account, is, in some sort, cut off from the number of his brethren.

Besides, there are two sorts of excommunication, the *major* and the *minor*. The *major* excommunication is that which is fulminated immediately against the criminal. The *minor* excommunication, that under which a person falls, for associating or conversing with a person already excommunicated. Custom has established the terms *major* and *minor*; tho' I think the meaning of them might be better expressed by the words *principal* and *accessary*. In short, if we consider the fatal consequences of both the *major* and *minor*, one can discern no difference betwixt them, since those who are punished with either the one or the other, are alike deprived of the spiritual benefits of the Church, and cut off from her body, with this distinction only, that whoever suffers the *major* excommunication, not only feels the pain of it in his own person, but wherever he is known, his very presence is enough to hinder the functions of other believers; insomuch that if a person excommunicated enter publicly into a Church, the divine offices must be stopt and deferred, which is really more than what is done at the approach of one possessed with a devil. There is, moreover, this difference, *viz.* that the former cannot be absolved, if he does not first of all purge away his contumacy, an obligation which the latter

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latter is not ty'd up to, because he is not a criminal. In like manner the punishment of excommunication is such, as renders the person unworthy to partake of the sacraments; inso-much, that tho' he should be confessed and absolved by the priest from his sins, the absolution would signify nothing, till he be also absolved from the excommunication. Well may it therefore be said, that the Church, by fulminating excommunication, uses such severity, that she seems to have forgot that christian compassion which she commonly shews at other times. Indeed, the Church prays for all sinners, even for those that are out of her pale, as well *Jews* as *Pagans*, but never makes mention of excommunicated persons in her prayers, as, if she had quite suppressed all desires of their salvation, while they live under excommunication; and tho' she prays for heretics and schismatics, who have incurred excommunication, she does not pray for them as excommunicated persons. Having first established the authority of excommunication, I thought fit to note all the preceding distinctions, in order to shew its real importance, which will lead us, in the next place, to find out who are the persons on whom it may be inflicted, and for what reasons.

CHAP.

What persons are liable to excommunication, and what are the causes for which recourse should be had to it.

WHAT we have already mention'd, may suffice to shew the nature and quality of excommunication, which is so severe, that if baptism did not imprint an indelible character in the soul, it were able to turn a christian into a very infidel; for this punishment is so rigid, that there is no body of common sense, tho' perfectly ignorant of the decisions of theology and of canon law, but would infer from it, that the crime, against which recourse is had to so terrible a sentence, must of necessity be enormous, desperate, and even remediless. We see that diseases of the body are treated quite otherwise, for if any member of it happen to be gangreen'd, or ulcerated, first 'tis dress'd, the putrifying humours of it are expelled, then corrosives are applied; and if these don't do, recourse is even had to caustics; but at last, when 'tis come to an extremity, and a cure is despair'd of, then, and not till then, the instrument is brought to cut it off, lest the infection should reach some other part of the body. The member, indeed, thus cut off, is no more to be dress'd, because then it can never be cur'd; but by
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this means, the other members, which might have partaken of the infection, are happily preserved. From hence we conclude, that the effect of excommunication, is not only the spiritual damnation of the person excommunicated, but the evident danger of exposing others to the same punishment, and rendring them unfortunate companions in the same damnation.

It must be confessed, that were we, with a truly christian charity, to seek for a sin so enormous, as to deserve such a punishment, one should hardly find it, in the conscience even of *Judas*, considered not only as having betray'd his master, but also as entertaining the heretical opinion that his wickedness was greater than the power of *Christ*. As to *Peter's* denying his lord, *Thomas's* incredulity, and the flight of the other apostles, they not only repented, but found favour with *Jesus*. If we descend to particulars, this heinous crime cannot be adultery, nor fornication, nor murder, nor theft, for all these sins, how great soever, find both pardon and absolution. I will go yet farther, and suppose a man, who entertains erroneous opinions about the mysteries of religion, and believes what he lists, without obedience either to the Gospel, or the Church, or to the common precepts; such a man, were he even one of the most obstinate heretics that ever liv'd, may not, for all this,

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14 *The Rights of Sovereigns.*

be excommunicated, unless he discover his sentiments by some external signs; for if the ulcers of his soul do not break outwardly, he is not subject to excommunication. These are also the sentiments of the court of *Rome*.

Nevertheless, we hear every day, that one prelate has excommunicated a person who found something that was lost, because he did not carry it back to the loser; that another has excommunicated a person, who, when summoned before the spiritual-court to pay some rent, did not discharge it, tho' perhaps he was insolvent.

Let us now hear the opinion of the famous Council of *Trent*, which appear'd for the papal authority, like the *Ignis fatuus*, in the midst of a violent tempest, and which established several prerogatives by law, that were only derived from custom. This Council, in one of its canons, recommends the great circumspection that ought to be observ'd in the use of excommunication, condemning those who recur to it immediately, for such trifles as above; tho', upon the whole, it does not absolutely forbid such conduct, but only confines it to the authority of the bishops, whereas it extended before to all the inferior prelates. This canon has one thing in it very remarkable; every magistrate, it says, shall be held guilty, if he offer to molest the bishop in publishing excommunication, or commands him to re-
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voke it, tho' it should be evident that the same is unjust, both in its cause and consequence, for want even of observing the conditions prescribed by the canon. From hence it follows, that rather than the ecclesiastic jurisdiction should be molested, things must be left in confusion; and that there is less harm in punishing an innocent person, contrary to all right and reason, and depriving him of the sacraments, than in disturbing the peace of the prelate. I leave it to persons of good sense, to make their own judgment of such a decision. But this is not all yet, which that canon says; it adds, that if an excommunicated person live a year under excommunication, he shall be deem'd as a heretic; and, by consequence, be obnoxious to the inquisition. It follows therefore, that if a person under excommunication for not paying a debt, be not in a condition to pay it within a year, he deserves as much to be burnt, as the most obstinate heretic. When our lord *Jesus Christ* warned *St. Peter* of the strong temptation which the devil was preparing for him, I don't find that he talk'd of excommunication. *Satan* hath desired you to winnow you as wheat, but I have prayed for thee that thy faith fail not; therefore when thou art converted, strengthen thy brethren. So that if the apostles, and after them the believers, had denied the faith of *Christ*, it was *Peter's* duty not to excommuni-

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cate them ; but, *when converted, to strengthen his brethren.*

When *Simon* the magician tryed, in *St. Peter's* presence, to seduce the primitive christians, by his diabolical miracles, *Peter* deferred punishing him for whole years ; but when he set up for a god, by lifting himself up into the air, and had by time acquired great credit among the people, *Paul* solicited *Peter*, more than once, to temporize with him no longer, because the scandal too visibly increased ; and at length *Peter* resolved to curse him, and compell'd the devil to cast him down headlong.

If in after times the ecclesiastical discipline introduced the use of excommunication in cases of the last importance (for I am not willing to reject the Church's authority in this matter, because I have already owned it) certainly the enormity of the crime must have been proportioned to the rigour of the punishment. 'Tis enough for me to demonstrate that this sentence may be sometimes unjust, and that, by consequence, 'tis no article of faith, to hold that every excommunicated person is deprived of the grace of God ; justice is absolutely necessary in excommunication, because *Christ* cannot favour injustice : Now, besides other faults in the excommunication, 'tis sufficient to make it unjust, if it exceeds the enormity of the crime ; because, while it only depends on the opinion of men, 'tis subject to the errors of their understandings ; and the case is the same,

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at least, with excommunication, as it is with all the other sentences of judges, which, if they exceed the desert of the criminal, ought to be amended, if not annulled.

They make a distinction at the court of Rome betwixt one excommunication and another. They call the one excommunication *a jure*, and the other excommunication *ab homine*. The former is universally decreed by a canon of the Church against all who commit a certain crime; the latter is only decreed by a special judge against a crime already committed or intended. Of these two, that called excommunication *a jure* seems the most grave and important, because it must be supposed, that there has been more care and exactness observed in the establishment of a law, which is to serve as a rule in the government of a people, and, perhaps, of the whole world, than a sentence passed by a single judge of one jurisdiction only, and in a case sometimes unknown to him; nevertheless, the very same canon of the Church declares, that excommunication *a jure* may be absolved by every ordinary confessor; but that excommunication *ab homine* can only be absolved by him who pronounced the excommunicatory sentence, or by a superior judge: Therefore it would not, perhaps, be uncharitable, to advance that excommunications of this sort were introduced, rather to aggrandize the prelate, than to reform the sinner, and contribute to his

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salvation.

18 *The Rights of Sovereigns.*

salvation. It has been already asserted, that excommunication ought to have some deadly sin for its object; yet if any one is unable to pay a debt, he is excommunicated, tho' he has not absolutely sinned. This excommunication therefore is not valid; 'tis possible for him who pronounces it to be mistaken; if the first may be deceived, so may the second and third in like manner, according to *St. Paul*, who says that every priest is encompassed about with frailties.

In the catalogue of excommunications, drawn up by the court of *Rome*, there is one against him who discovers, either by conversation, or by other evident proof, that any one holds an heretical opinion, and does not inform against him to the inquisition. This is the same thing for example, as if any common person in * this city (which is impossible) should hear a senator talk heretically; or if in any other country, a courtier should make the same observation, either in the king's brother, or in any of the princes of the blood, tho' neither the burgher nor the courtier would be willing to accuse persons of such distinction, either for fear or respect sake; yet their silence shall be a crime bad enough to subject them to separation from the rest of the faithful, and to deprivation from the sacraments. I leave the public to judge whether such an opinion

* *Venice.*

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is allowable. The consequences of this canon extend yet farther; for it being absolute and without exception, in imposing the obligation on persons to be informers, if, in obedience to the canon, the criminal is accused without proofs, either because there are no witnesses, when the heresy of the person accused is discovered, or because, if there be any, they are loth to swear it; it follows, that the accuser shall be punished by the court as a slanderer; and if they have a mind to make use of *Lex Talionis* upon his account, he shall be exposed to the same punishment as the heretic would have incurred, besides what he has to fear from the hatred and revenge of the person accused.

If there are so many things to be done for avoiding excommunication, and if consciences are to be reduced to such a rigorous constraint, what becomes of those words of *Jesus Christ*, *my yoke is easy, and my burden is light*? When this divine saviour recommends brotherly correction, he prescribes the manner of it, *inter te & ipsum solum; between thee and him alone*; and that it be done with love; and it were even necessary for such a one to ask pardon of him whom he has corrected, or is going to correct, that he may not incur the blame of a peevish hypocrite.

The court of Rome distinguishes also between excommunication *late sententia*, and the excommunication which *attendit declarationem*,

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tionem, which last is used in cases of greater importance than the former, and is passed immediately after the commission of the crime. Upon this we shall consider, first, how many exceptions the supposed criminal might urge, in respect either of the crime committed, or the contumacy incurred; they are these, ignorance, violence, respect, inability, the fear to which a fickle mind is subject, and many others of this nature; nevertheless, without any comfort, he is already excommunicated; and, by this means, deprived of the liberty of self-defence, tho' it be of divine right. Was God under a necessity to call either *Adam*, or *Cain*, in order to be informed by themselves of the crime they had committed? Nevertheless, before he condemned them, he brought them into his presence.

There is a particular case of conscience decided by the aforesaid council, which imports, that if a penitent desiring confession for a sin of sensuality, or any other whatsoever, suspects that the father confessor will be able to discover the female with whom he committed that sin, he ought to omit some circumstances, in order to puzzle his confessor, and prevent him from guessing at the accomplice of his sin. This is a charitable precaution, the end of which is to hinder scandal; but how may such wise conduct be reconciled with obedience to the abovemention'd canon, which threatens a person with excommunication, that does not
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inform against a heretic, who undoubtedly is the cause of much greater scandal than a sin committed thro' frailty?

I infer therefore, from the premises, that 'tis certain there is an excommunicatory power in the Church; and that excommunication does of itself deprive the excommunicated person from the benefit of the sacraments; but that it cannot have its effect without being just; that to be so, the punishment which it inflicts must not be greater than the crime; and finally, that the criminal be left without excuse. Besides, the judge who fulminates it being liable to be mistaken, 'tis impossible for excommunication absolutely to deprive a soul of the grace of *Jesus Christ*, who is truth itself, and cannot err. What is here said relates only to a private person, who has incurred excommunication. Now if all these reasons plainly shew the necessity of observing the conditions abovemention'd, for excommunicating a private person, and for rendering the excommunication fulminated against him valid, how much rather ought those very conditions, if not many others, to be observed in the excommunication of a sovereign, considering that princes have infinite allowances made them, which private persons cannot possibly have? inasmuch as the crimes of the former are more restrained, and, by consequence, less exposed to that shock, besides the regard that ought to be had to the scandal, which is much

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greater in the excommunication of a sovereign than in that of a private person.

Let us really consider a little, how great inconveniencies would arise from thence to society. When the people find their prince, as it were, separated from the mystical body of *Christ*, and hated by the Church as much as the plague; would they continue in subjection to his laws, whom they look upon as a rebel against the precepts of the vicar of *Jesus Christ*? The obligation of obedience to a prince, is not a law of civil society, but founded upon religion, and the express command of God himself. And, indeed, the founders of any religion, be it ever so silly and extravagant, always made it their business to convince the people, that the laws they gave them, derived their origin from a principle above humane nature, being persuaded in their own breasts, that the consent of the people alone was not sufficient for the setting up a prince over them; because that after they had given such their consent, nothing could hinder them from revoking it, whenever they found it their interest to do it. They also thought arms and guards too weak to oblige them not to withdraw such their consent; because that which contains, is always supposed stronger than that which is contained; as a town is stronger than the garrison within it; therefore, in order to render sovereign majesty more respected, they thought it necessary to make it dependent on
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the divine will; so that he who disobey his prince becomes a rebel against God himself, and his very conscience tells him he is criminal, and deserves eternal punishment. It appears that the ancients, who were stupid enough to be led away by mere delusions, received this notion from their legislators, who had some faint glimmerings of religion. **Cosingas* being desirous to found that sovereignty, to which he aspired in *Thrace*, upon the laws, raised very high ladders towards heaven, and mounting them, feigned that he went thither to receive the orders of the deity, for making laws and establishing his authority. *Numa* made the *Romans* believe that he conversed familiarly with the goddess *Egeria*. The impostor *Mahomet* boasted that *Gabriel* the archangel was at his elbow when he composed his *Alchoran*; and in the true law, we find that *Moses* kept the tables of the law, written with God's own finger, forty days upon the mountain.

From hence it comes to pass, that when a people are suffered to part with the respect

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* *Polyenus*, from whom father *Paul* took this story, relates it quite otherwise, *Chap. 22. Book 7.* of his *Stratagemis*. He says, that this *Cosingas*, Prince of the *Cerrhenians*, and a priest of *Juno*, observing that his subjects were rebellious, in order to bring them to a sense of their duty, caused a great number of ladders to be ty'd one to the other, giving out that he intended to go up to heaven, to complain to *Juno* of their disobedience, and beg her to punish them: Upon which the stupid *Thracians*, fearing he would make his words good, returned to their duty.

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which religion inspires, they immediately become a gang of assassins. It was to render the prince more respected, that God commanded *Samuel*, when the *Jews* requir'd a king, to anoint one of the sons of *Kish* the *Benjamite* (a custom still used in *France* at coronations.) Thus kings derive the respect they challenge, even from that which is paid to the divinity. If therefore excommunication declares them deprived of that divine protection, what murmurs, what disorders, may we not expect among the people, who will be apt to think, that by disobeying the prince, they do not act against the mind and will of God, and that their disobedience is warranted by that of the prince, who is excommunicated only for refusing to obey the Church?

All this proves clearly what disorder and scandal the excommunication of a sovereign is attended with; therefore christians are obliged in charity, to convince the Pope how cautious he ought to be in fulminating it, and how fearful of imitating the ignorant quack, who used fire and sword in the cure of all distempers, indifferently; for thereby the remedy becomes worse than the disease. 'Tis true, that Sovereigns are equally oblig'd, for their own part, not only to guard against such crimes as deserve this punishment, but to take care to give the people such a good opinion of them, that if ever a prelate should proceed to extremity with them, for any trifling and imaginary

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ginary crime, their subjects may not from thence take occasion to turn rebels.

Besides, it must be observ'd, that excommunication being the sentence of a judge, this sentence cannot be pronounced by a person who has no jurisdiction over the person try'd, and no cognizance of the matter in question, who would, by so doing, make himself ridiculous. From this principle it naturally follows, that (waving the nature of the crime for the present) excommunication, to be valid, ought to be pronounced by a prelate, whose authority extends over the sovereign so far, as amounts to a power of judging him; and that moreover the case upon which he pronounces ought to be within his cognizance.

As for the common prelates, the bishops, if they abide by the maxims of the court of *Rome*, which will have all bishops to be not only in dependence, but subjection to the Pope, they must own, that all the authority they have being subordinate, cannot extend over a secular authority, which owns no subordination, and holds the sovereignty as a patrimony and inheritance.

Tho' a bishop be invested with the priesthood and pontifical authority, he is, nevertheless, subject to a secular prince, either by birth, or by his place of residence, for the Church can neither usurp nor diminish the secular powers; *non eripit mortalia qui regna dat caelestia*; it does not take away earthly kingdoms,

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doms, tho' it gives heavenly ones. Therefore the prelate, as a person subordinate, has no right to judge a person, or body of persons, who are neither subordinate nor dependent; so that whenever such Judgment happens to be absolutely necessary, it must be refer'd to a superior judge, one who stands in the same parity of independency as the prince who is to be judged. But enough of this has been now said, and let the bishops be as much bigotted as they will to those maxims of the court of *Rome*, which would perswade them they have this authority over princes, surely they will never suffer themselves to be so far blinded, as to come to this extremity, since they themselves would have reason to fear the same fate.

If all the arguments hitherto alledg'd, are not sufficient to convince bishops of their obligation to pay this respect to free and independent princes, we will add one more from a certain canon of the Church. But the reader must not think to find an express canon, for establishing such a diminution of the episcopal authority, since an acknowledgment of this nature, made voluntarily, is hardly ever used in the sacrament of penance; but what we mean, is a consequence which follows from the said canon. The Council of *Trent* declares, that the bishops, not only in their private authority, but even as delegates of the apostolical See, have a right to preside over,
visit,

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visit, and govern hospitals, mounts of piety, and other places of devotion, lay fraternities, and lay schools, to oblige the agents and governors thereof to give them an account of their management of their revenues; and, in a word, to do all other things that appertain to absolute and despotic jurisdiction. But the council excepts such holy places and schools, as are under the immediate protection of the emperor or king, with whose government the bishops cannot meddle without their leave. From hence then we may infer, by necessary consequence, *a pari*, or even *a majore*, how great respect the bishops are obliged to pay to the person of the emperor or king, if they ought to be thus respectful to things which are only under their protection.

If it be asserted, that tho' a bishop cannot excommunicate a sovereign prince, he has, however, a power to excommunicate inferior magistrates, we shall prove this also to be a very gross mistake, not with regard to rank, of which we have now treated at large, but with regard to merit. For all magistrates are subordinate to their prince, from whom they not only receive the authority of commanding, but also the bounds to which they may venture to extend it. So that if the magistrate be guilty of a misdemeanor, and deserve excommunication, he must not for this cause be excommunicated, but recourse should be had to the prince, by whom he was constituted,

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ted, to the end that he himself may redress what the magistrate has done amiss. For as long as any other remedy may be try'd, 'tis not good to make use of excommunication, which is the last remedy, or rather extremity, and the end of all remedies whatsoever. Add to this, that whoever, without having recourse to the prince, immediately excommunicates the magistrate, is guilty of a crying injustice, by punishing him who has committed no crime; for the magistrate often acts, not of his own accord, but by commission, as the prince's minister. Thus, let the sentence of a judge be ever so unjust, the executioner is not in the least responsible for it, either in *foro judicii*, or in *foro conscientie*, because the judge does every thing by other hands, according to that rule, *qui per alium facit, per se ipsum facere videtur, i. e.* what a man does by another, is deem'd his own act and deed.

From all this we have strong reason to conclude, that if an ordinary prelate excommunicate an independent prince, or an inferior magistrate, without previous application to the prince on whom he depends, for obtaining a remedy of the disorder charg'd upon such magistrate, the prince shall be at his liberty to disregard the said excommunication, as being unjust, and, perhaps, worse than the crime, against which it is fulminated, according to that sentence, *sæpe majus est peccatum judicii, quam illius peccati de quo fuerit judicium, i. e.*

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There is often greater sin in the sentence, than in the crime on which it is passed. In this case the prince may also use what means he thinks necessary, for preventing any disorder that may ensue, having the law of nature to authorize such his Conduct, which teaches us to endeavour by all methods possible to extinguish the fire of one's own house, without staying for the assistance of our neighbour, because, as is often the case, the house may tumble down while he is consulting and pausing what to do. The example of *Jesus Christ* himself is our warrant for this conduct, who, when the *Pharisees* were offended at his curing a man, that had a palsy, on the sabbath-day, reprimanded them, and convinc'd them that they were in the wrong, by asking them, if their ass should fall into a pit, whether they would scruple to take it out on the sabbath-day? Was not this, surely, to teach us, that we ought to do good at all times, without delay?

We proceed next to treat of the excommunication fulminated by the Pope himself against a sovereign prince, or a body which consists of several persons constituting a free and independent principality. We have already acknowledg'd the Pope's lawful authority to excommunicate a prince, be he ever so free, and his sovereignty absolutely independent; and we hoped, at the beginning of this treatise, to re-establish a peace with the
court

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court of *Rome*, provided they would acquiesce with equity ; and we flatter ourselves we shall succeed, by the help of a single distinction, which may serve as a compass to guide us in this ocean.

Let us first examin wherein a secular prince ought to be subject to the Pope, for by this means we shall easily penetrate as far as the cause of his jurisdiction, and the obligation that princes are under to obey him ; for to derive a general subjection from a special obligation, is an argument drawn, as they call it, *de minori ad majus*, which is a method of argument used only by sophists, and which can never conclude affirmatively : For this reason true logicians place arguments of this nature in the list of puzzling and deceitful ones, because they have, indeed, an appearance of proof, but without any foundation.

I don't believe I shall be charg'd with an error, if I lay it down for a principle, that the Popes of these later times have no greater authority than the antient Popes, and *St. Peter* himself. Tho' *Paul V.* fills *St. Peter's* See, I don't mean that he has therefore grace and sanctity from him who wrought miracles with his shadow, but that being advanc'd into his chair, his authority is granted him by the blind obedience of the faithful, as we have already own'd : But if it be infer'd from thence, that every Christian Prince is obliged to obey the Pope implicitly, then we must distinguish, and

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and grant, that he is obliged to obey him in things which are under his cognizance as Pope, viz. in doctrine, opinions, in the administration of the sacraments, and in whatever has been commanded by the Apostles, by *Peter*, and all the Popes that have sat in his chair, without temporal dominion; for then their ordinances were merely ecclesiastical, and without any mixture of worldly interest: because they were poor in spirit, resembling the poverty of *Jesus Christ*, but rich in heavenly treasures. If the Pope explain the doubtful sense of some articles of the catholick faith, all Princes are obliged to receive that explanation as good, and to conform their own * sentiments, and those of their subjects to it: And the Pope may say upon this occasion, *visum est spiritui sancto & nobis*; it hath seemed good to the Holy Ghost and us. If in such a case the Prince delays his belief too long, if his negligence be the reason why his subjects don't adopt the Pope's decision: And if, after admonition, he does not submit to it, he

* This, and what follows must be understood of such states where there are no laws to limit the Pope's decisive or legislative authority, in point of doctrine, opinion, &c. for this sentiment of *Father Paul* being perfectly *ultramontane*, will not hold as to countries where no bull or constitution of the Pope can be received till it has been first examined by the Bishops, who in these matters are altogether as competent judges as the Pope, either with him, or without him.

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he deserves to have excommunication fulminated against him ; because he endangers not only his own soul, but those of his subjects, by disobeying the decrees of the common Father in the functions of his paternal authority. When it was added to the Creed, that the Holy Ghost proceeded from the Father and the Son, though the *Greek Church* has refused to admit of that addition ever since, yet because it does not appertain to laymen, even invested with sovereign and regal dignity, to meddle with the discussion of matters of faith, all catholics were obliged to submit their belief to that decree. When the antient usage of communicating to the laity in both species was changed, and they only receiv'd the communion in the species of bread, tho' the *Greeks* do at this day observe the antient usage at certain times and places ; nevertheless the king of *France* was obliged to submit to this innovation. And if, at present, as the *German* nation propos'd in the council of *Trent*, the antient usage was renewed, every Prince would be obliged blindly to submit to it, whether they thought the alteration good or not § †, because the Pope's mouth is the oracle of faith. If

† In all Father *Paul's* arguments, between these two marks § §, he continually attributes to the Pope what he says nevertheless of the Church in general, which is true in the sense wherein he expresses it, but not in the sense of his application.

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If any opinions are introduced into a state contrary to those of the *Roman Church*, from whom would the sovereign of that state be oblig'd to demand the decision thereof, but from that very Church? For otherwise he could not regulate his own belief, nor that of his subjects, upon such article; and how extravagant soever the decision might seem to him, he would be oblig'd to adopt it, inasmuch as the decision of such doubts is not under the cognizance of the secular power; for instance, 'tis decided, that a priest, who, at his ordination, receives immediately from *Christ* the power of absolving sins, may, nevertheless, be hinder'd *jure positivo* (by positive law) from absolving them; so that if he then gave absolution, the same would be null and void. The distinction introduced by the Court of *Rome*, between the power of order and the power of jurisdiction, does not seem to me to have been establish'd by *Jesus Christ*, when he ordained his disciples priests of a flock where there was no jurisdiction to exercise. Nevertheless, this distinction must be adhered to from the obligation all are under to obey the Church in matters of opinion, and to believe whatever she believes to be true, because the Church is the proper judge of all such points. Every prince is subject to the holy see in this case, and in this sense the ecclesiastical monarchy may be called universal; so that if a sovereign become disobedient on this account,

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he deserves to be separated from the body of the Church, for fear lest his bad example should infect the sound members, and to be marked, as *Cain* was, in the forehead, that being known and abhorred by all men, they may shun his company, and not hear what he might suggest from his evil conscience. §

Having shewn that the Pope's authority flows immediately from *Christ*, let us now examine how far it may extend, and for what end *Jesus Christ* gave it to him, because the extensiveness of the obedience, which princes and all Christians ought to pay him, should be regulated according to the extent of the said authority; since to give him greater bounds than *Jesus Christ* has set him, would be no less than usurpation, as well as a criminal presumption, in pretending to express what the gospel does not express, it being as much as to say that the gospel wants words for its matter. Now in all the New Testament there are but two passages where *Jesus Christ* speaks of *St. Peter's* authority. The first expresses the reward of that apostle's zeal and faith, who was the first that owned the divinity of *Jesus Christ*. *But whom say ye that I am?* Peter answer'd, *Thou art Christ the son of the living God.* *Jesus* answer'd, *Blessed art thou, Simon; the son of Jonas, for flesh and blood hath not revealed this to thee, but my father which is in heaven. And I also say unto thee that thou art Peter, and upon this rock I will build*

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build my Church, and I will give unto thee the keys of the kingdom of heaven; and whatsoever thou shalt bind upon earth, shall be bound in heaven, and whatsoever thou shalt loose on earth, shall be loosed in heaven. That was the time when Peter was design'd for a Priest, but not establish'd. The second time was after the resurrection, when Jesus put this Question to Peter, *Lovest thou me?* And Peter answer'd, *Lord, Thou knowest that I love thee.* Then Jesus replied to him, *Feed my Sheep.* And these were the words by which Jesus Christ establish'd his priesthood. When he promised it to him, he gave him the power of *binding* and *loosing*; and when he put him in possession of it, he charged him to feed men. Now this flock is fed two ways; with sacraments, and with doctrine. If in the exercise of the priesthood, and pastoral care of feeding the sheep of Christ, by administering the Sacraments to them, and teaching them, any one should start up, pretending to explain the doctrine, and abusing the nourishment of the sacraments, the Pope is concerned to make use of his power of *binding* and *loosing*, by excommunicating him for his rashness, and cutting him off from the body of the faithful. Nevertheless, it must be remember'd all this while, that we are treating of the establishment of the Church, when Jesus Christ pronounc'd the Words *bind* and *loose*; and that by consequence the use of the power of

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binding always ought to have for its object the *establishment* of the Church, and not her destruction. In like manner *Jesus Christ* did not pronounce the words, *feed my sheep*, till he had asked *Peter* several times, *whether he loved him*? because, without love, yea, without redoubled love, it was impossible to feed his flock; therefore *St. Peter's* immediate authority was altogether spiritual, his power consisting in the liberty of *binding* and *loosing* souls, *sed in edificatione ecclesie caritate conjuncta*.

The faith and obligation of christians upon this article extends thus far, and no farther: And if the Pope pretends from this prerogative to derive an universal authority of commanding princes, and under colour of distributing to christians the nourishment of sacraments and of doctrine, to oblige princes to give his holiness an account of their actions, and upon their refusal to do it, to proceed against them with the utmost rigor, as if they were apostates from the christian faith, this is to challenge a power not expressed in the gospel, nor commanded by *Christ*, but is a mere invention of the state, which aims at the command of the whole universe for worldly interest. This can never be denied till a new gospel be found out, any more than what we said above, *viz.* That the authority of the Popes in our days cannot be greater than that of *St. Peter*, and the other apostles and Popes of the primitive Church. Read the New Testament

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statement over and over, you will find no place where *Jesus Christ* settled his disciples in any domain or temporal interest; so far from it, that he bids them not trouble their heads about what they shall eat or put on, but to expect all from the good providence of their heavenly father, who knew how to cloath them better than *Solomon*; for he who gives cloathing and nourishment to the plants and fowls of the air, will not abandon the faithful.

Jesus Christ himself abhorred sovereignty, and being ask'd one day, whether he were a king? answer'd, That he was a king indeed; but his kingdom was not of this world. And foreseeing by his divine prescience that the people who follow'd him, and had experienc'd his great power by his miraculous multiplication of the loaves, had a design to carry him away, and make him a king by force, did he not fly and abscond to avoid those vain honours? But the Pope, *Jesus Christ's* vicar, is so far from imitating the example of this divine minister, that he arrogates to himself the power of making kings and princes when he pleases, wherein he has sometimes succeeded; witness what happen'd not long ago in *Ireland*, and afterwards in *Tuscany*. Now, since it has been shown that *Jesus Christ* has not given him this authority, no prince is oblig'd to obey him upon that account; and if any body is excommunicated for refusing to own *Ireland* for a kingdom,

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kingdom, or *Tuscany* for a great dutchy, this excommunication would be void, because 'tis not the Pope's business to bestow secular dignities, to which the Pope himself is subject in his own person, and to which he was formerly subject in the exercise of the papal ministration.

We say it again, that the Pope is set up to form, feed, and instruct the flock. On this account every one ought to obey him; and whoever fails in this point, the Pope may excommunicate and curse him; but the Pope cannot make one single body of laws, composed of articles of faith and the canon laws, because the latter are blended with an infinite variety of human interests, which do not oblige to submission.

Mahomet was very cunning, when in the composition of his *Alcoran* he added the civil laws of political government, that all his subjects might think themselves equally oblig'd to observe the articles of their creed, and the laws of their prince. The Court of *Rome*, rather than copy after *Mahomet*, ought to be contented with the honour of such as own their obligation to obey the Pope, in matters of faith alone. Tho' there were sovereigns, who, out of a godly principle, thought fit to strip themselves of their treasure and dominions for enriching the Church with them; the Popes have not on this account acquired any greater authority than when they had only a stone seat

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seat and a wooden crozier. Those princes had no intention to set up one who should be their lord and master, to exchange their freedom for slavery, and to be forced to give an account of their actions in temporal affairs, as must have been the case, if they had been oblig'd to obey all the canon laws and innovations introduced by the Council of *Trent*, which, to say the very truth, did in this respect put in their sickle into other men's corn.

A reflection occurs to me just now, which I cannot pass over in silence, *viz.* That excommunication is generally threatned for the transgression of some positive law, and very rarely, if ever, for disobedience to the divine laws. Princes have their authority from God, and are accountable to none but him for the government of their people. The Pope cannot pretend to be God's vicar in this respect; in the first place, because it is not written; secondly, because princes were before Popes; from whence it follows that it must be proved not by tradition, but by the Gospel itself, that God is the author of such derogation from the secular authority, in favour of the Pope. But this is what can never be demonstrated, and reason itself is sufficient to convince us of it, for the care which the Pope would be obliged to take of temporal affairs would swallow up his concern for spirituals, and 'tis impossible to serve God and the world at the same time. Tho' the Pope by any accident

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should be deprived of his dominions and treasure, and reduced to that poverty which was the appanage of the primitive pontiffs, the princes would undoubtedly be obliged to obey him nevertheless as Pope, and in the same quality he has a right to command them, and they to obey him, now he is encompass'd with splendor and grandeur; so that if they refuse to obey him as such, he may excommunicate them with reason, and the punishment would be proportionable to the crime; for the crime being spiritual, the punishment inflicted by a spiritual judge, would be purely spiritual in like manner, and by consequence valid and effectual. But the Pope must take heed how he extends this right to other matters, because, if he go beyond the bounds of his authority, he would cease to act in quality of Pope, and princes being no longer subject to him, would not be obliged to obey him.

If there be any who call this distinction fantastical, and refuse to admit of a truth so universally receiv'd, *viz.* That the Pope may be consider'd in different qualities, let it be remember'd that I aver the same of legates, vice-legates, and of the governors of towns in the land of the Church, who, if they condemn a criminal to death, or loss of member, act irregularly as priests, be their sentence ever so just; nor can they demand satisfaction, or reparation, for any injury done, even to their own persons, unless they first protest before

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fore the secular judge, that their demand is *citra pœnam sanguinis*. Yet those same prelates condemn criminals to death every day, and perhaps with more severity than other governors, having no other plea to palliate their canonical irregularity, but the distinction that they exercise this charge, and pronounce this judgment, not as Priests, but as princes, and the ministers of a prince. 'Tis not therefore a contradiction, according to them, to consider the pope one while as pontiff and chief priest, in the functions of the priesthood, and another while as a temporal prince, who is taken up with secular interests and maxims of state. Nevertheless, it would be ridiculous in the Pope, consider'd even as a temporal prince, to assert that he has any more authority over other princes than one neighbour has over another ; which imports no superiority, and by consequence no right to command. But this has been sufficiently handled already.



CHAP.

C H A P. III.

Whether excommunicated persons may appeal.

WE have fully prov'd that excommunication is a sentence pronounc'd against a criminal for some suppos'd crime. Now custom and reason tell us, that appeals against all sentences are lawful, because all judges are liable to be deceived by false and plausible arguments. 'Tis therefore lawful to appeal from excommunication to a superior judge, otherwise christian obedience, instead of being an easy yoke, and a light burden, would be worse than *Babylonish* captivity. Thus if sentence comes from the tribunal of a bishop, an appeal may be brought to the archbishop; if from an archbishop, to a primate; if from a primate, to a patriarch; if from a patriarch, to an apostolical nuncio; and if from a nuncio, to a provincial synod, according to the custom of every province: And finally, appeals may be made from all provincial or patriarchal sentences to the Pope.

Indeed this custom of appealing to the Pope from a patriarchal sentence is a novelty in the Church, which was unknown in the primitive times. In the age that succeeded next to the Apostles, the whole christian world was divided

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vided into four patriarchates. That of *Rome*, by dignity and prerogative, was the first; that of *Antioch* the second, that of *Alexandria* the third, and that of *Constantinople* the fourth. Many years after, when christianity was establish'd in the parts about *Jerusalem*, that city was also erected into a patriarchate, and added to the other four; so that all christendom was then divided among those five patriarchs, who had each certain kingdoms and provinces assigned them, that they might have the oversight of the inferior prelates in those dominions, as bishops, archbishops, and primates; so that all appeals in any part of christendom, when brought before the patriarch of the Country, had their final decision without further appeal: The chief of all the patriarchs, in point of precedency, was that of *Rome*, and he received this prerogative from *St. Peter*, who exercised his jurisdiction, and kept his residence there a long time; but before *St. Peter* went to *Rome*, he founded the see of *Antioch*, from whence it happen'd, that that which was the first in the order of the patriarchates, became the second by *St. Peter's* departure, whose chair at *Antioch* is kept holy to this day. But tho' the patriarch of *Rome* is first in preheminance, he is not the first in authority, but only so in point of order, in the same sense with the president, or chief of an assembly, who is one that is honour'd with the chief place among his colleagues, tho' they are equal

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equal to him in authority. Those patriarchs succeeded the four evangelists, who had the same equal measure of authority, tho' not of grace ; for two of those evangelists had the marks of an apostolick character, but without any preheminance over the others.

This superiority of the see of *Rome* was unknown in ancient times, of which there needs no other proof, than what passed at the election of bishops and archbishops in all the estates of christendom. When a city wanted a bishop, both the laity and the clergy, or the clergy alone, according to the custom of the town, elected him ; and when, in process of time, disputes arose about those elections, recourse was presently had to the patriarch, in whose jurisdiction such city lay. When the election was ended, the prelate elect was presented to the patriarch, who consecrated him, and gave him the bishop's pall. In the first Council, which was held by *St. Peter* and the other apostles in *Jerusalem*, the elders of the people were present, to give their opinion about the decree which was design'd for abolishing circumcision. And the laity assisted in all the Councils for a long time after. Then canonical punishments were instituted *ad corrigendos fratres* ; and afterwards the laity neglecting their attendance in those assemblies, stations were decreed, and indulgences granted for those who should repair to the said assemblies, wherein all things relating to the
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state of christianity were determined. The laity continued also, a long while after this, to give their votes at the election of prelates and Popes; for *Celestin II.* who was advanc'd to the holy see in 1143, was the first who was chosen Pope solely by the cardinals; and this gave the court of *Rome* a handle to obtain two great prerogatives, *viz.* the exclusion of the laity, and the delegation of the cardinals alone, who, at their institution, had no other title than curates of the chief Parishes of *Rome*, and were therefore much inferior to bishops. But to return to our subject:

A sentence of excommunication is in its own nature subject to an appeal, not only to the end that the person who is injured may obtain relief, but also, because it would be tyranny to subject the person accused to the opinion of a single judge, who would thereby be in a condition to oppress him at discretion. Upon this account, sovereign princes are wont to make no difference betwixt civil and criminal judges; and being persuaded that there is no judgment which is not susceptible of a more serious examination, and a more exact discussion, they therefore do not pass sentence themselves, to the end that the person condemn'd may have the liberty of recourse from one judge to another. Thus, if a sovereign prince himself should pass sentence, and not permit an appeal, he would do the parties an injury; and it would seem

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as an injury done to himself, if he admitted of a judge to over-rule his decisions. He who was condemn'd by *Cæsar*, appeal'd to *Cæsar* himself when his anger was over ; and even now, when there is a necessity for the intervention of the Pope's judgment in a case of importance, he gets the fullest information possible ; and tho' he is satisfy'd in his own conscience of the merits of the cause, yet, for all this, he does not pronounce sentence, but deposes judges to do it, that he may not be expos'd to the common law of appeals from his judgment ; and it generally follows, that sentence is pronounc'd in favour of the complainant, because, by naming such deputation, he does in effect declare that he admits of the complaint.

As to the ordinary prelates, there is no doubt but as such a one owns a superior, he is oblig'd to admit of appeals from his sentences ; the dispute therefore only relates to the sentences of the Pope, who acknowledges no superior ; and this point depends on the question, whether the Pope or a Council is superior ? If we admit the superiority of a Council, all doubts concerning this matter would vanish ; but since the champions for the court of *Rome* will not acknowledge this superiority, the difficulty remains entire. Besides, tho' they should admit of the superiority of a Council, they would hardly grant them the liberty of receiving appeals, by
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pretending that this tribunal does not always subsist, that it would be unnecessary trouble to call a Council for a particular affair; and moreover, that when assembled, it would not only pronounce judgment on the affair for which it was called, but would hear all who thought themselves injured by the Pope; which as we say, would be falling out of the frying-pan into the fire, and terribly expose the authority of the holy see. Therefore we may not expect to have a general Council call'd by the Pope's order for many ages: No, the Court of *Rome* too well remembers how dear they have paid for those in time past. If I don't mistake, besides the two Vows of obedience and chastity, which all priests make at their ordination, a third vow is required of him who is raised to the papal dignity, viz. That he abjure general Councils, or promise never to call one in any case whatsoever. If, in order to dissipate the Pope's dread of a Council, it were proposed (which is perhaps impossible) so to circumscribe the authority of the Council when assembled, that it shall not meddle with any other affair besides that for which it is summoned, then it would be objected, that the prelates of many dominions would not care to attend them, as not thinking themselves oblig'd to undergo such fatigues for the sake of a particular prince; from whence this inconveniency would arise, that many of the prelates would be for reassembling

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bling such a Council at pleasure. Be this as it will, I am inclin'd to think, that if a Council was assembled under such conditions, all kingdoms would heartily concur; for it would be universal, and the common interest of all provinces, were it once establish'd, that the Pope would admit of appeals to a Council, in all cases where people should think themselves injur'd by the court of Rome, and that he would authorise the validity thereof by his own consent. But I must own this is only a chimerical speculation, and what is never like to come to pass; there being not the least appearance that the Pope will ever consent willingly to the calling of a Council for any cause whatsoever, no not for the sake of all christendom, and much less for that of a single potentate. 'Tis possible, nevertheless, that the court of Rome refuses to admit such appeals, because of the impossibility there is of obtaining a final judgment, and not because they think they have a right to refuse them, and that their sentences are not subject to reviews of the like nature. For by allowing of such appeal to a tribunal that does not really subsist, the appeal alone will have the force of a sentence, according to the maxim, *Appellatio fingit non judicatum*. Therefore, from the very moment that any one appeals from a sentence of the Pope to a future Council, the sentence, and all that follows thereupon, remains in suspense till a definitive judgment, which cannot be obtain'd

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obtain'd while there is no judge ; so that the bare appeal is sufficient to annul the former sentence. Undoubtedly 'tis to avoid these inconveniencies that the court of *Rome* rejects the superiority of councils, tho' they are superior in their own nature, and the Popes are convinc'd of it in their own consciences. Therefore their disowning of it is a poisonous remedy, for it is making an article of faith contrary to all manner of reason, merely for avoiding a political inconvenience.

'Tis in vain to think of engaging the court of *Rome* to admit of appeals of this kind, by telling them, that an appeal makes no more account of a sentence than if it had never been pass'd, and suspends all the effects of it, and that an excommunicated person, who appeals, is not sensible of any prejudice from excommunication while his appeal subsists ; but that those appeals ought to have a certain time fix'd, after which sentence may be fulminated, if no final judgment intervene, because 'tis then suppos'd to be the appellant's own fault if the process is not ended, especially in the present case ; for the canons of the Church are express to this purpose, allowing but two years, at most, to dispatch all ecclesiastical process. No, I say, the court of *Rome* would not suffer themselves to be taken by this specious bait. They know full well that this limitation of time can only be to the disadvantage of the

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appellant, when he is permitted to obtain such final Judgment, and that as soon as it becomes impossible for him to obtain it, because the tribunal, to which he hath recourse, doth not always subsist, he is consequently no longer subject to the prescription of time. Such is the condition of a pupil, till he is able himself to take care of his own Interests. Therefore the court of *Rome* sees plain enough, that, by admitting of appeals, one of these two things would certainly be the consequence, either that its sentences must continue in suspense till a judge was constituted, or that for want of the ordinary judge, the Pope would be oblig'd to appoint one on purpose for this particular affair; but with this condition, that it should be by consent of the parties concurring in the choice of the judges. For otherwise, if the persons chosen were suspected by either of the parties, the other could not be compell'd to appear before a tribunal thus establish'd, contrary to the laws of natural right. For avoiding all the confusion and perplexity, in which the bare acknowledgment of the superiority of a Council would involve the pontifical authority, the court of *Rome*, who foresaw all the prejudicial consequences of it at a great distance, cuts the knot at once, and absolutely denies the said superiority, a remedy which I confess is violent, but absolutely necessary to answer their views.

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We will now make a general Inquiry into the Equity of this article, and then proceed to the particular decision of another question.

There are only two pretences for rejecting an appeal from a sentence, *viz.* the infallibility of the judge who passes it, or else his superiority. If his infallibility be pretended, it may be said to be a reason both natural and just at the same time; but if his superiority be pretended, which consists in his owning no other judge above himself, 'tis a reason of state, which only respects the chief judge. As to the former, 'tis certain that if the law could have supposed such infallibility in a judge, it would never have allow'd of appeals, that may be aptly compar'd to Medicine, which is design'd for the recovery and health of the constitution, and on that account ought to be acceptable; but if it be consider'd abstractedly, as the means only, 'tis impossible not to hate it, because of the disorders into which it throws the patient, who would never take physick if he was sure of recovering his health by any other method. Appeals consider'd in themselves, and in their end, are good, because they serve to repair the mischief, and divert the prejudice attending the false judgment of a former judge: But otherwise they are odious, in that they tend to prolong law suits, and to elude the authority of a former judge; now the law having not the least hopes that equity

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would be inseparable from all sentences passed in the first instance, thought it indispensably necessary to constitute a superior judge, tho' it plainly foresaw it would be a means for a litigious person to indulge his passion ; so that finding itself between two extremes, either of authorizing an unjust sentence, or of feeding the passions of such who seek to spin out causes to a great length ; it chose rather to permit the latter, as the least of those evils : Besides, by the admitting of appeals, there was no certainty of avoiding the injustice of a sentence, since the judge being deceiv'd in the first instance, it might happen that the superior judge might also be mistaken in approving and confirming his sentence. For we can expect no less from human weakness, nothing but the spirit of God being capable to enlighten the understanding. Proceed we now to the other Question.

The court of *Rome* rejects all appeals from a sentence of the Pope, for this reason, that the Pope being infallible, cannot err in passing such sentence. If it can be proved that the Pope possesses this extraordinary prerogative, which raises him above human infirmities, so liable to error, without doubt the holy father is very much in the right not to suffer his decisions to be subjected to a scrutiny, since the law cannot grant the same privilege to the ordinary judges. But of what use is infallibility

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ty in this case, since we have demonstrated in CHAP. II. that excommunication, to be valid in *foro conscientiæ*, must have some deadly sin for its object? Now every one knows that this aggravation of sin can only be distinguish'd in confession, because, tho' an action be never so evil, it cannot be sinful, if, among other circumstances, it is not voluntary; so that the Pope may happen to excommunicate a person who may seem to have incurr'd excommunication, tho' indeed, and in *foro conscientiæ*, he has not deserv'd it; or one, who, tho' he may have deserv'd it, is capable of offering so many exceptions as would make it appear he has not incurr'd it. Perhaps the court of *Rome* may approve of my opinion, with respect to excommunications decreed before the act done; because indeed the Pope, who pronounces excommunication, cannot foresee what exceptions the criminal may produce; but they will not admit of any plea against excommunication fulminated after necessary admonition, because if the criminal had any thing to offer by way of exception, he had time to produce it to the judge, before he was excommunicated; but having not done it, he manifests his contumacy, and proves himself guilty; which, say they, is a sin bad enough to authorize excommunication. That's their opinion. To which I answer; It may, and commonly does happen, that the person accus'd being per-

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suaded his condemnation is inevitable, does not produce his exceptions, because 'tis certain he had better be condemn'd for contumacy, than after he has been heard, since then he reserves to himself a right of producing them *ex integro* before the judge to whom he appeals, and who is the proper judge, because he had no concern in the former sentence, and is not acted by any interest; but it rarely falls out that the Pope gives admonition before his excommunications, even when it has happen'd to be in his own causes, as when he complains of the violation of his jurisdiction, or of any hurt done to the ecclesiastical livings, or when he claims any fiefs or lordships escheated, and the like. In cases of this nature, if the person summon'd obey, he runs the risk of losing all his rights entirely, and if, after having sent his reasons to this tribunal, he is condemn'd tho' absent, what might he not fear were he to appear there in person? To avoid this double inconveniency, persons are oblig'd to let sentence of outlawry pass against them for non-appearance, reserving to themselves an appeal to a competent judge *in integro & sine prejudicio*. Is it not visible that this refusal to appear in the first instance is neither obstinacy nor rebellion? 'Tis absolute necessity, therefore no sin, and by consequence no valid cause of excommunication; and if the same be fulminated, 'tis unjust, and serves at best only to discover the iniquity of the judge, who suffers him-

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himself to be carry'd away by his own private interest. We conclude therefore that the court of *Rome* has no ground to reject appeals on account of the judge's *infallibility*.

Since the said court, which hates to dispute or argue, but aims at nothing less than absolute despotic power, refuses to hearken to all the reasons that may be alledg'd against such pretended infallibility, and lays so much stress on the words of our Saviour, and the prerogative he granted *St. Peter*, as to make the Pope's infallibility an article of faith, it will be necessary to have recourse to the scriptures, which we propose to do in a future chapter, wherein we will try the force of this infallibility by the true meaning of those sacred writings; for the present I think it sufficient to observe, that if the Pope were infallible, he would consequently be happy in this life, I mean happy with celestial beatitude; for I am not so rash as to attack his worldly beatitude, nor his ordinary title, and much less his temporal felicity; I mean, therefore, such a beatitude as *St. Peter* enjoy'd, when Jesus Christ said to him, *blessed art thou Simon, son of Jonas*; for, being predestinated to glory, he was assur'd of recovering himself from his lapses by repentance. But I can hardly think the Pope is so absolutely confirm'd in grace as the Angels were after the fall of *Lucifer*, and *St. Paul* after his conversion; for if the Popes had this precious privilege

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lege, Pope * *Marcellin* would not have sacrific'd to idols for fear of death. 'Tis true, he own'd his crime, confess'd his guilt, and intreated the Council to inflict such punishment on him as he deserv'd; upon which the Council only put it home to his own conscience, and he became so good a penitent, that he afterwards obtain'd the crown of martyrdom. His sanctity was the fruit of his repentance, not the sign of his innocence. Now, if a Pope may err so far as to fall into idolatry, his pretended infallibility cannot be made an article of faith, and I don't believe

* *Marcellinus*, the 30th bishop of *Rome*, including *St. Peter*, succeeded *Caius*, at a time when the Church began to rest from persecution; but the emperor *Dioclesian* being acted by the persecuting spirit of his predecessors, *Marcellinus*, for fear of being put to death, did not scruple to offer sacrifice to *Jupiter*, *Hercules* and *Saturn*, in the temple of *Vesta*. Some time after his shameful apostacy, a great number of priests and believers assembling at *Sinuessa*, near *Rome*, *Marcellinus* was call'd to an account for his conduct, when he own'd his fault, and desir'd punishment; upon which, 'tis said the members of that assembly answer'd, *prima sedes a nemine judicatur; tu reus, tu iudex; ex ore tuo justificaberis, ex ore tuo condemnaberis*, i. e. no body judges the chief See; thou art both criminal and judge; out of thy own mouth thou shalt be justify'd, out of thy own mouth shalt thou be condemn'd. 'Tis added, that the scandal of his action touched him so to the quick, that he went before the judges, boldly confess'd *Jesus Christ* in their presence, and washed his guilt in his own blood, by suffering martyrdom at the end of the 8th year of his pontificate. Some authors, great sticklers for the Pope's infallibility, treat this history as fabulous; but tradition has preserv'd it so carefully in the office of the Church, that it cannot be question'd, without giving the lie to an infinite number of Facts receiv'd on the same authority.

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believe the champions of the court of Rome can be so senseless as to require it. Indeed, when one puts the question to them, whether the Pope is liable to err or not? They say, error in opinion must be distinguish'd from error in practice; that as to practice, the Pope is no more than other frail men; and may therefore be either saved or damned; but that as to opinion in matters relating to the government of the Church, he is infallible by virtue of the dignity granted by *Jesus Christ* to *Peter*, and in his Person to all his successors. But to this it may be answer'd, that all the actions of men, whether good or bad, have one and the same just or unjust intention for their principle; besides, man commits no crimes, how enormous soever, but with hopes of finding his account in them. With this view the revengeful person satisfies his revenge, the covetous person heaps up wealth; and so of others, *fallimur ratione boni*. From hence it may be concluded, that whosoever is capable of sinning, is capable of having an evil thought; for the will being blind, submits tamely to the dictates of the heart. *St. Augustin* says, *beatitudinis causa faciunt omnes homines quidquid boni vel mali faciunt*. But we will refer the examination of this infallibility to the XIIth Chapter, and will own it with the above distinction, tho' there are many who pretend it died with *St. Peter*, and that it was a personal privilege, in no wise attached to his dignity; but as I said before,

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fore, I chuse rather to be lavish in my obedience, than to rob the Pope of that just duty and respect we are obliged to pay him.

It follows from what has been already said, that the sentences of all judges whatsoever are subject to appeals; that excommunication is a sentence the most liable to it perhaps of all others, for want of the proofs requisite to establish the justice of it. The bare appearance of proof is sufficient to vindicate the equity of other sentences, whereas excommunication ought to be founded on a certain knowledge of the person's criminal intention; which is a circumstance that can be known only to God. It follows also from the premisses, that the Pope is not infallible in all things, one Pope having been guilty of Idolatry; and that an appeal entirely suspends the effects of a sentence, till definitive judgment is pass'd upon the cause; so that an excommunicated person who appeals, is, during that interval, no ways affected by the excommunication. As to the court of *Rome's* refusal to admit of an appeal, because the Pope, by whom sentence is pronounc'd, has no superior that can amend his judgment: I answer, that's only a reason of state, dictated by self-interest, which rather than admit of a superiority in any other, would oblige the pretended criminal to acquiesce in the first sentence, tho' it were pronounc'd by the judge in *causa propria*; but this single circumstance is sufficient warrant for an appeal; and

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and I fain would know of those gentlemen, whether every prince, whose authority is independent, ought to acknowledge a superior in temporals. If they answer in the affirmative, who does not see that it destroys the supposition of such princes being free, independent, and not feudatory? If they say no, then such prince ought not to suffer an appeal when any of his subjects put in a plea against him on account of taxes, damages, or freehold; yet we see free princes every day, whether kings or emperors, permitting their subjects to bring their causes into the court of exchequer, not only in the first instance, but also in the nature of an appeal; and if the ordinary judge of appeals be not in the way, they name one *ad hominem*, to the end that the person, who thinks himself injur'd, may have an opportunity to offer all his reasons against the demands of the attornies of the exchequer court. Now does this permission in any wise diminish the prince's superior authority? does it injure his honour? Or rather on the contrary, does he not display his equity, in stooping so low to his subject, as to give him the liberty of pleading boldly against himself? therefore the zealots for the court of *Rome* must acknowledge, that the Pope would not lose an ace of his superiority, but rather manifest his honesty, by admitting of appeals, and appointing certain judges to examine the equity of his sentences; whereas by refusing appeals, it would seem
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that he is afraid to stand the test of them, lest they should discover the injustice of his conduct, or else rob him of his pretended prerogatives. But we will now proceed to another article.

C H A P. IV.

Whether a Council, or the Pope, is superior ?

FOR the clearer understanding of this question, 'tis necessary first of all to define what a Council is ; for when the essence of a thing is known, 'tis easy to discover its real virtue. There are three sorts of Councils. 1. *Diocesan* ; which is compos'd of a bishop and his clergy. 2. *Provincial*, consisting of a metropolitan, archbishop, primate or patriarch, and his Suffragans. 3. *General*, where the Pope appears in his own person, or by his legates, and all the archbishops, bishops, primates and patriarchs of christendom, besides all the prelates, who by privilege or custom have a vote in general Councils ; for the bishops are allow'd their votes by law, the regular abbats by custom, and the generals of the orders by privilege. To these three some add a national Council ; but this is not mention'd

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tion'd in the list of legal Councils; because, were they to be admitted, a king, or other secular prince, might assemble them at pleasure, * which would involve him in the scandal of a schismatic. Nevertheless, if the Pope should permit a nation to assemble in Council, this assembly would be legal, as well as whatever it should decide; but then such Council, and the canons which it might decree, would be only calculated for the said nation, and not for the rest of christendom. To leave this long digression, and return to our subject: I say then, that a *Diocesan* Council, or Synod, may be summon'd

* Father *Paul* here falls in with the opinion of the court of *Rome*, that the Pope alone has a right of calling Councils, and seems to have forgot that this pretended right is a manifest usurpation, which has been a long while contested with the Popes by the emperors, who have the sole right of calling those sacred assemblies; witness the first Councils, which, by the confession of all faithful historians, were summon'd by circular letters from the emperors. But they did not preside therein any more than the Pope, who had his seat in common with the other prelates; the holy gospels being placed upon a throne, to represent the Holy Ghost, the head of the church. In after times, the emperors had so much authority in the Councils, that they not only called them without the Pope's advice, and sent circular letters to the bishops, signifying what routs they should take, and where they should find carriages and provisions at the emperor's charge, *Euseb. hist. lib. 10. cap. 5.* but also took cognizance of the things transacted there, prescribed such and such points for their decision, and reprimanded the Councils, tho' the bishop of *Rome* was present, when they found them fall into the least caballing or disorder, *Socrates, lib. 2. cap. 39 & 40. Idem, lib. 4. cap. 34.* Besides, in those early Councils every thing was resolved upon, not in the name of the Pope, nor of the emperor, but in the name of the sacred assembly.

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mon'd by the bishop, and also that he is oblig'd to assemble one every two Years, to remedy *small* abuses that may creep in among his *Diocesans*; I say *small* abuses; for if they be of some importance, he would be oblig'd to have recourse to the metropolitan, who in this case ought to assemble a provincial Council for remedy of such abuses; but in cases of the utmost importance, recourse must be had to the Pope himself. A provincial synod may be summon'd by the metropolitan, archbishop, primate or patriarch; but its decrees are only intended for their respective provinces. Indeed, in cases where several provinces have been concern'd, the several metropolitans of such provinces have heretofore united towards forming a Council; but this is now disused, recourse being had, in such cases, directly to the holy See. Notwithstanding, as many metropolitans as pleas'd might lawfully hold a Council at this day, and their decrees would be binding to the respective provinces for which they are concern'd.

An assembly of this kind might well pass for a national Council, when all the metropolitans of a nation are met together. But as this would be impossible, except for an affair of the last importance, so the Pope's decision would be absolutely necessary. Besides, for as much as such an assembly could not be held without the prince's consent, it would seem to carry in it a contempt of all recourse to the
Pope,

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Pope, and be attended with the imputation of schism.

It must likewise be noted, that all the inferior Councils, as the court of *Rome* calls them, are only capable of remedying those disorders which are committed against positive law, and that when disputes arise concerning matters of faith, or divine right, there is an absolute necessity of recurring to a universal Council, or else demanding a decree from the Pope. The reason is plain, because it may happen that in matters of Church discipline one province may spy a fault in another, and concur with it for a remedy; but as to opinions and articles of faith, all catholics ought to have the same belief, and to assent to the truth of whatsoever is propos'd to them with that character.

Therefore a general Council, assembled by the Pope's authority, is the same thing with respect to the whole christian world, as the *States General* to the *United Provinces*, the parliament to *England*, the cortes to *Spain*, the diet of the empire to *Germany*, and the general diet to *Poland*; in a word, 'tis the very quintessence of christianity; so that whatever is determin'd in such an assembly may be regarded as the sense of the universal Church: The Pope summons this assembly, not only because he is the first in dignity and authority in the christian republic, but also to the end that it may not be summon'd without due examination of the causes for which it is desir'd, it
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being not reasonable that pastors should leave their flocks for trifling matters, or only for private views, which would never want the specious name of the public good, if every one was at liberty to call a Council. Be this ever so true, 'tis no less certain, that when 'tis necessary for the good of the Church to assemble a Council, and the Pope neglects to do it, or refuses it, if requir'd, the cardinals may lawfully call one, as they have pretended to do at other times. And where they are wanting in this point, the bishops have the same right, being equally concern'd to watch over the Lord's heritage ; and finally, if the Pope, cardinals and bishops are all asleep, it is the business of the * secular princes to call one, viz. the emperors, as advocates of the Church, and kings and sovereign princes, as they are distinguish'd members of the body of the Church, and constituted by God's grace, as well as the prelates and Popes, to take care of Christ's flock. Therefore we find in the catalogue

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* Father Paul continues in his *ultramontane* prejudices, since it appears even by the inscription of the Council of *Sirmium*, which he quotes a little after, that the emperor alone order'd the assembly ; and if he had but vouchsafed to read the inscription of former Councils, he would have there found the same thing. In fine, the history of *France* would have furnish'd him with instances of several national Councils assembled by the authority of her kings, who for all that were never reckon'd heretics, *Greg. de Tours hist. Hincmar Council. Gall.* Therefore he should have said, that things are as he says they are now, not thro' any right of the court of *Rome*, but thro' custom, establish'd by its usurpations.

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logue of orthodox Councils, Anno Domini 352, fuit concilium Sardinense, a Sardigna dictum, congregatum praecepto Constantini imperatoris pro Atanasio. And again, A. D. 353, fuit Sirmiense sub Julio Papa & Constantino Imperatore, quod paulo post Constantinus in Firmo iussit congregari. Viri fratres regulas tradiderunt fidei orthodoxæ contra Arium. And afterwards, A. D. 650, fuit Toletanum nonum provincial, Imperatore & Papa jubentibus, quod a correctione præfatorum est inchoanda synodus, & ab eisdem tertia pars danda est ecclesiis.

I said above, that a national Council, call'd by the authority of a prince, might be reckon'd schismatical, whereas here I aver that a secular prince has a right to call a Council in certain cases. Whatever this may seem, yet 'tis no contradiction; for a national Council may be liable to that suspicion which a general Council cannot, to the summoning whereof all christian princes concur; now such a Council being summon'd by the concurrence of all christian princes, and passing for the universal body of christendom, it could not be chargeable with schism. I was very willing to be the more explicit upon this head, that critics might have no manner of handle to censure my propositions.

Therefore the champions of the court of Rome are basely mistaken, when they infer, from the Pope's having a right to call a Council, that he is consequently superior to a Council;

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cil ; for when a Council is called by any other, he who calls it may challenge the same superiority, which surely they would not be willing to acknowledge in any princes, nor even in any prelate ; consequently the right of calling those assemblies is no mark of superiority. The Council of *Chalcedon* declares, that every Council held without the concurrence of the Pope's legates is invalid ; which I think a reasonable decree, because a Council ought not to be held without the Pope's consent ; yet this does not conclude any thing for the Pope's superiority ; for, does it follow from the necessary intervention of such and such persons in a senate, that those persons are superior to the said senate ? On the contrary, that canon of *Chalcedon* formally establishes the superiority of a Council, because itself declares the reasons that are capable of rendring it invalid ; for otherwise, if the Pope should think fit to renew a Council by reason of his legates not being present in it, there had been no need of that decree, and a bull from the Pope would have been sufficient to declare such Council null and void. We likewise read of several provincial Councils, which having been confirm'd by the Pope, their canons and decrees have thereby acquired the same virtue as if they had been decisions of the holy See ; but this is no better argument than the former for the superiority of the Pope over an universal Council, because a provincial Council is as
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much inferior to a general one, as a province to the whole world. We might also mention the Council of *Trent*, which was general, and confirm'd by the Pope. Now it must be observ'd that these confirmations are of two sorts. One, which may be call'd confirmation in the proper sense of the word, and without which, all establishments are of no validity; but this was not that sort of confirmation which the Pope gave to the Council of *Trent*, as we shall shew hereafter. The other sort may be call'd an attestation, or a declaration of the reality of any decree, that it was thus deliver'd in writing, and thus determin'd in Council. This was that confirmation which the Pope gave to the Council of *Trent*; but from hence there is no more room to infer the Pope's superiority over a Council, than to say, such or such a bishop, or other ordinary, is superior to the Pope, because a bull granted by his holiness was attested or subscribed by that bishop or ordinary. Will any body say that the bishop's name at the bottom is a confirmation of the Pope's bull? Does it amount to any thing more, at best, than an attestation to remove all doubts of its being authentic? But to make this matter still plainer, the Council of *Trent*, in the fourth Session, regulated the canon of the books in the Old and New Testament. Dare any be so bold as to say the Council thereby confirm'd the gospel?

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Methinks I hear some warm stickler for the court of *Rome* running down my distinction, and demanding, with an air of confidence, why is all this waste of words thrown away to prove what sort of confirmation the *Pope* gave to the Council of *Trent*, when the thing is so expressly demonstrated in the history of that Council? Well then, let us turn to the decree of that Council, which actually enjoins the legates to demand confirmation of their decrees and decisions in these terms:

** Illustrissimi Domini ac Reverendissimi Patres, placetne vobis ad laudem Dei omnipotentis, ut huic sacræ synodo finis imponatur, & omnium & singulorum, quæ tam sub felic. record. Paulo III. & Julio III. quam sub sanctissimo nostro Pio IV. Romanis pontificibus, in ea decreta & definita sunt, confirmatio, nomine sanctæ hujus synodi per apostolicæ sedis legatos & præsidentes, a beatissimo Romano pontifice petatur? Responderunt, placet.*

The cardinals *Moron* and *Simonette* demanded the same confirmation in the terms following: *Beatissime pater, in decreto super fine Concilii œcumenici Tridentini, pridie nonas Decembris præteriti publicato, statutum fuit, ut per sanctitatis*

* This ceremony was observ'd at the close of the 25th and 1st Session of the Council. See *The History of the Council of Trent*, by our Author *Father Paul*. And what is there said of this pretended confirmation from page 788, to the end, of the third edition in quarto.

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titatis vestrae legatos peteretur nomine dicti Concilii a sanctitate vestra confirmatio omnium & singulorum in eo definitorum. Quapropter nos cardinales volentes exequi, humiliter petimus nomine dicti Concilii a sanctitate vestra confirmationem omnium & singulorum in ipso definitorum. Quibus auditis, petitioni vestrae, nomine Concilii, consentientes, quæ definita sunt de cardinalium consilio, & assensu, auctoritate apostolica confirmamus. And in the bull: Cum autem ipsa sancta synodus, pro sua erga sedem apostolicam reverentia, antiquorum Conciliorum vestigiis inherens, decretorum suorum omnium confirmationem a nobis petierit, nos & omnia confirmamus, &c.

I doubt not but when those two cardinals returned to Rome, they chose to express themselves in this manner, on purpose to tickle the vanity of that court; and I own, had I been in their place, I should have done the same, otherwise I am persuaded the printer would not have been suffer'd to publish my speech, which could not be sincere without being disagreeable. The terms of the bull of confirmation cannot be drawn into a precedent, since it cannot be denied that those who dictated it were both judges and party; for which there need no other proofs than the words *antiquorum Conciliorum vestigiis inherens*. Indeed the term *generalium* is not added, which is the point in dispute; for as to provincial Councils, I have already shewn they are out of the question; and I am surpriz'd that a court, which

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has so many sagacious ministers that thoroughly understand its interests, should be guilty of such a gross omission as the word *generalium*. But 'tis a proof that they thought they had not good grounds to use it; for I am persuaded if they had, they would never have forgot it.

The court of *Rome* thinks the Pope's superiority authoriz'd in a special manner by the terms of the said decree of Council; but to confute this, one need only reflect upon the manner how the said decree was formed. To this end it must be remember'd that all the prelates being quite tired out with the long duration of that Council, with the expence they were there obliged to, and with the loss of so much time, without improving it to the advantage of christendom in general, all their decrees being formed after the model of the maxims of *Rome*, they watch'd with impatience for the moment of their separation, that they might return home and rest from their fatigues. In short, the whole world waited to see an end put to this Council, and even the princes, who were not there in person, long'd as heartily for their separation, as they did at first for their meeting. The emperor himself, who pressed more than any body for their assembling, that he might have the means to crush those heretics who began to grow formidable in his dominions, or at least to oblige them to be silent, till the controverted points were decided, finding by sad experience, that
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what would have been a healing remedy at other times, did only inflame the wound, heartily consented to their separation. Mean time, if the princes had not thus desir'd it, the Pope would never have put an end to this Council, tho' 'tis very certain he secretly wish'd for it more than any body, to free himself from the greatest danger, to which the papal authority had been expos'd for many ages: And *Zachary Delfino*, a *Venetian* nobleman, who was his nuncio at *Vienna*, obtained a cardinal's cap for persuading the emperor *Ferdinand* to consent to its dissolution. Now the Council was dissolv'd, and declar'd at an end by the following proposition to the fathers, *placetne vobis ut huic sacrae synodo finis imponatur?* And without staying for an answer to that, they added in the same breath, *& petatur confirmatio omnium, &c.* To which the fathers answer'd, *placet*. When one considers the disposition the fathers were then in, as has been before remark'd, who can doubt but this word *placet* was pronounc'd so quickly, only because it was the word intended to put an end to that tedious Council, and that the fathers gave little or no regard to the confirmation which they were required to intreat of the holy father? Nor can it be doubted that these two propositions were closely coupled together, artfully to establish the dependency of the Council, and the superiority of the holy See? But who does not perceive that in a matter of such importance as the estab-

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blishing the Pope's authority by the decision of a Council, it was necessary, without delaying, or confounding it with the Council's last words, to make a special decree for that purpose, after mature deliberation? But it was much to be question'd whether they would have had the desir'd Success, so that the shortest way was to have recourse to artifice; but an artifice so gross and staring, as shews it to be wilful neglect. Having said enough on this head, we proceed to examine the validity of this confirmation.

A general Council being, as I have already said, an assembly of all christendom, does not exclude the secular princes, who are many times present; not indeed to vote in articles of faith, which are things not within the jurisdiction of the secular power; but to give the Council their protection and advice. And at this day, when their interests will not permit them to be absent from their dominions, they send their embassadors, and the Pope does not forget in the bull of convocation to invite and exhort them to go thither in person. The Popes themselves have many times been personally present in Council, and now they send their legates; so that the presence of the Popes, either immediately in their own persons, or mediately by their substitutes and vicegerents, or representatives, is necessary to render the Council valid, according to the afore-cited decree of that of *Chalcedon*, which declares every Council

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cil null that is pretended to be general, without the presence of the Pope's legates. Then what a vain, whimsical piece of formality is it, to desire of the Pope at *Rome*, the confirmation of what has been decreed by himself, or with his own concurrence, at *Trent*? Is it not plain, that if the decrees made at *Trent*, with his approbation and advice, tho' absent, were good, just, agreeable to scripture and tradition, it were needless to revise them at *Rome*, and that this was done with a view only to raise the Pope's superiority, and not to examine or confirm any thing already examin'd by himself, and corroborated by the votes and presence of others? Moreover, is it not demonstrable that nothing was offer'd to the consideration of that Council, but what was propos'd by the Pope's legates? so that nothing was brought upon the stage but what the court of *Rome* had a mind to: Which custom, tho' not observ'd in the primitive Councils, was a check to those who had a design to encroach upon the Pope's prerogative. In the first session, under *Pius IV.* a decree was propos'd by the holy father, that the Council should make such decisions only, touching the christian faith, as might be thought necessary; and this decree was pass'd as well as all the others that were propos'd. The prelates and princes saw indeed, when 'twas too late, that the *ablatives, proponentibus legatis*, was a sure sign of their slavery, and they complain'd of it to the Pope; but

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but he brought himself off without much difficulty, by pretending he had not time to examine either the *gender* or the *case*. And this was the conduct observ'd during the whole Council, in which nothing was propos'd but from the Pope by his legates. To what purpose then was this confirmation desir'd?

Here follows a piece of history worthy of remark. The court of *Rome* apprehending that the Council might hereafter be told, by way of reproach, in a full assembly, that they were not free, took care that another decree should be propos'd in the 24th session, declaring that by the terms, *proponentibus legatis*, it was not their intention to change the methods of treating usually observ'd in general Councils. On the other hand, the court of *Rome* being, to the last degree, jealous of the Pope's privileges and authority, took great care to have it declar'd in one of the canons pass'd in the 25th session, that in all things establish'd by the said Council, touching reformation and ecclesiastic discipline, a salvo is intended for the Pope's authority. But can any thing be more superfluous? for in other decrees, either this authority is attack'd, or it is not. If it be particularly attack'd, this general exception cannot help it; and if it be not, the said exception is needless. In the same session it was declar'd, that if any ambassadors should give place to others in this Council, the princes, their masters, should not thereby suffer at all in their

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their rights. But is not this too a mere complement from his holiness; since, if the remedy was good, it were needless to have so long disputed the punctilioes of honour?

I beg pardon of the courteous reader for bringing the Council of *Trent* so often upon the stage. For I look upon it as an argument *ad hominem*, a thousand times more conclusive than a hundred general arguments, since none can be stronger than those taken from the canons even of this Council, which piously defended the rights of the holy See; and yet with all this they could not please the court of *Rome*, unless the Pope's sanction were added to their proceedings. We shall in the next place examine the nullity of this confirmation; and when that is prov'd, it will be easy to establish the superiority of a Council over the Pope, and consequently decide the question which is the main subject of this chapter.

If the confirmation of a decree ought to be receiv'd at the same time with the decree itself, one cannot suppose the infallibility of judgment, because that would need no confirmation, according to the maxim, *frustra fit per plura quod potest fieri per pauciora*. Mean time this infallibility is plainly suppos'd, because in every session of the Council of *Trent* there is this expression, *sancta synodus in spiritu sancto legitime congregata*, i. e. *the sacred synod lawfully assembled in the Holy Ghost*. Now, how is it possible for a decree to be false or erroneous,

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neous, which is inspir'd by the holy Ghost? There is no variableness in God, but in the Pope there may, for 'tis a mark of imperfection. If therefore God in his mercy inspires a Council, he will not alter his purpose, whatever may happen, because the Lord is not subject to accidents, and changeth not. Now, who, that has heard *Jesus Christ* say, *wheresoever two or three shall be gathered together in my name, I will be in the midst of them*, can doubt of this invisible direction of God? After so positive a promise, ought a Council, the assembly of all christendom, to be fearful of erring, and can they want confirmation? If, notwithstanding this promise of Christ, it be asserted that the Pope's presence is necessary in a Council, 'tis not because he has any authority there, but purely to fulfil the conditions laid down by *Jesus Christ*, in these words, *in my name*; which signify that the assembly have the service of *Christ's Church* for their moving cause, and final object. The same conclusion may be drawn from the terms of applause given to the said Council, viz. *sancta œcumenica synodus Tridentina, ejus fidem confiteamur, ejus decreta servemus*; i.e. *let us confess the faith, and observe the decrees of the sacred general Council of Trent*. To which the prelates answer'd, *semper confiteamur, semper servemus, item omnes ita credimus, omnes idipsum sentimus, omnes consentientes & amplectantes subscribimus: Hac est fides beati Petri, & apostolorum; hæc est fides patrum,*
hæc

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hæc est fides orthodoxorum, ita credimus & sentimus; i. e. this is the faith of blessed Peter, and the apostles, of the fathers, and the orthodox, we unanimously believe, embrace, and subscribe it, and will all confess and keep it. After such a confession as this, the question is, whether, if the Pope had refused his confirmation, the christians would not have been oblig'd to believe the decisions of that Council? If it be said no, the consequence is plain, that the Council told a lie, in saying it was the faith of St. Peter, and the apostles. If it be answer'd in the affirmative, then the Pope's confirmation was not at all necessary.

Perhaps the court of Rome will reply to this, that confirmation only extends to the decrees of a positive law, and not to those matters of faith which are already declar'd to be the faith of St. Peter; and that therefore every Council, which undertakes to limit the authority of the court of Rome, cannot avoid falling into an absurd temerity, since it will always lie in the breast of that court, either to confirm, or reject its decisions upon this so nice an affair. But what will those gentlemen say to a decree passed in the 6th session of the same Council, under Julius III. whereby the continuation of the Council was suspended for reasons therein mention'd? And then 'tis added, *interea tamen sancta synodus exhortatur omnes principes christianos, & omnes prelatos, ut observent, & respective observare faciant in suis regnis, omnia*
& sin-

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& singula, quæ per hoc sacrum æcumenicum Concilium fuerunt hætenus statuta & decreta; i. e. the holy synod exhorts all christian princes and prelates, that they observe, and cause to be observ'd, in their respective dominions, all and singular the statutes and decrees hitherto passed by this sacred general Council. But had the Council been of opinion that its decrees could not be valid, without being confirm'd by the Pope, it would have been extravagant rashness in them to recommend the observation thereof before they had desir'd such confirmation. And in the last session, the following words were register'd a little before the passing of that decree which requires the Pope's confirmation. *Supereſt nunc ut omnes principes, quod facit in domino, maneat ad operam suam ita præſtandam, ut quæ ab ea decreta sunt ab hæreticis depravari aut violari non permittant, sed ab his & omnibus devote recipiantur & fideliter observentur: quod si in his recipiendis aliqua difficultas oriatur (quod non credit) quæ declarationem aut definitionem postulat, præter alia remedia in hoc Concilio instituta, confidit sancta synodus sanctiſſimum Romanum pontificem curaturum, ut vel evocatio ex iis præſertim provinciis, unde difficultas orta fuerit, iis, quod eodem negotio tractando videbitur expedire, vel etiam Concilii generalis celebratione, si necessariam judicaverit, vel commodiore quacumq; ratione ei vi-*
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sum fuerit, provinciarum necessitatibus pro Dei gloria & ecclesiae tranquillitate consulatur.

Now let every conscientious person determine whether it may be lawfully inferr'd from these words, that the Council thereby own'd the dependency of its decrees on the Pope ; or rather, if they are not as it were a delegation of authority to the Pope, to concern himself in dubious cases relating to the decrees establish'd by the said Council.

And in the 25th Session, CHAP. II. concerning reformation, there are these words : *Præcipit sancta synodus patriarchis & omnibus aliis, ut in synodo provinciali post finem hujus Concilii habenda, omnia palam recipiant, necnon veram obedientiam Romano pontifici spondeant & profiteantur.* Which imports a command of the synod to the patriarchs, &c. to pay true obedience to the Pope. Now, if the Council were inferior to the Pope, I should think it senseless and ridiculous to recommend them to that obedience. Lastly, towards the conclusion of the same chapter, the Council having prescrib'd the form of regulating the catholic universities, adds, *the Pope shall take care that the universities, which are immediately under his protection and visitation, be visited and reform'd by his delegates, &c.* I make two remarks upon these words : 1. That the Council saw very plainly, that if they had not made this exception touching the *universities subject to the Pope*, he would have thought himself authoriz'd also

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so to visit and reform the others above-mentioned, else the exception would be needless.

2. That this conduct of the Council, in prescribing to the Pope what he has to do, clearly shews that they did not own him for a superior. What pass'd in the 23d session on the question concerning the chalice, proves the truth of this; for the Council refers the decision of it to the Pope, in these terms, *decrevit integrum negotium ad sanctissimum dominum nostrum esse referendum*; which formal delegation is a proof that the Council does not depend on the Pope; for the inferior does not delegate to the superior, because the latter has a natural right of judging, whereas it belongs to the former only by way of reference: To conclude, in the last session 'tis said that some prelates were deputed, by order of Council, to form an index of prohibited books, and examine the catechism, missal, and *Roman* breviary, and to make a report thereof to the Council, which was to form a decree thereupon: * [and the Council being not able to give their judgment of all in a trice, because of their number, referr'd the whole to the judgment of the Pope.] This seems to me a plain declaration

* What is inserted betwixt the two crochets, is not express'd in the *Italian*, but 'twas taken from the history of the Council, and 'twas thought necessary to place it here at length, because the consequence, which the author draws from that resolution of the Council, is founded upon the last words, *referred the whole to the judgment of the Pope.*

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declaration, that the Council meant rather to give authority to, than receive it from the Pope, and that they only regarded him as their vicar, or suffragan, whose power was under their regulation. Tell me not of Pius IVth's bull of confirmation, in which are these words: *Nobis adeo Concilii libertati faventibus, ut etiam de rebus sedi apostolicæ proprie reservatis, liberum ipsi Concilio arbitrium per literas ad legatos nostros scriptas ultro permiserimus*; i. e. we have such a regard to the freedom of the Council, that, of our own accord, we have, by letters written to our legates, permitted them to judge arbitrarily, even of things properly reserv'd to the apostolical See. But this liberty is all mere delusion, if (as is pretended) 'tis absolutely necessary to desire the Pope's confirmation of what is concluded; for if he has a power to grant it, he has the same power to refuse it; which at once destroys this pretended freedom. I chose to single out all these remarks from the Council of Trent, because, as that Council was most partially zealous for the papal authority, I thought it would the better answer our end, viz. to establish the authority of a Council over the Pope.

In the catalogue of lawful Councils there is this note, *Anno Domini 466, Romanum tertium provinciale sub Hilario Papa a quinquaginta episcopis congregatum potissimum statuentibus, ut canones Niceni Concilii & apostolicæ*
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sedis constituentur; i. e. it was chiefly ordain'd by fifty bishops, assembled in the third provincial Council at Rome, under Pope Hilary, A. D. 466, that the canons of the Nicene Council, and the apostolical See, should be observ'd. So that here is a single provincial Council commanding obedience to the decrees of another Council, and of the holy See. Another assembled at *Worms*, under Pope *Leo III.* and the emperor *Charles the Great*, expressly orders, that no person be excommunicated for a trivial fault, that the ministers of God be sober, and the table of the bishops frugal. Another general Council, assembled at *Vienna* in 1311, approved the decrees of Pope *Clement V.* call'd *Clement's* constitutions. But we'll go back still higher, not forgetting the principle I before laid down, that the Pope has undoubtedly, at this day, no more authority than *St. Peter* had. Now the first general Council, which was held at *Jerusalem* by *St. Peter* himself, by the apostles and other disciples of the primitive Church, proves it to have been the opinion of those times, that a decree, made by all together, had more force than if made by *St. Peter* alone. The question debated in this Council was, whether circumcision was necessary any longer? *Peter* says, *Men and brethren, you know, how that a good while ago God made choice among us, that the gentiles by my mouth should hear the word of the gospel and believe. And God, who know-*
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eth the hearts, bare them witness, giving them the Holy Ghost, even as he did unto us. Hitherto Peter acknowledges that God had given all baptiz'd believers as great a portion of his grace and spirit as to himself. After him, Barnabas and Paul spoke of the miracles which God had wrought among the gentiles; and then James says, *Men and brethren, hearken unto me: Simon hath declar'd how God at the first did visit the gentiles, to take out of them a people for his name.* After which he goes on thus: *Wherefore my sentence is, that we trouble not them which from among the gentiles are turn'd to God, but that we write unto them that they abstain from pollutions of idols, and from fornication, &c.* Then it pleas'd the apostles and elders, with the whole Church, to send chosen men out of their own company to Antioch, with Paul and Barnabas, namely, Judas, surnamed Barsabas, and Silas, chief men among the brethren: And they wrote letters by them after this manner. The apostles, and elders, and brethren, &c. ----- We have therefore sent Judas and Silas, who shall also tell you the same things by word of mouth; for it seem'd good to the Holy Ghost and to us, to lay upon you no greater burden than these necessary things: That ye abstain from meats offer'd to idols, and from blood, and from things strangled, and from fornication: From which, if you keep your selves, ye shall do well. Fare ye well. 'Tis palpable from all the transactions of this Council, that St. Peter did not

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pretend to the least superiority over those who compos'd it, that they regarded him only as their colleague, and even embrac'd the opinion of St. *James*, who, after he had made the decree himself, put an end to the Council, in the name of the Holy Ghost. In another part of the *Acts of the Apostles*, we find these words: *When the apostles, who were at Jerusalem, heard that Samaria had receiv'd the word of God, they sent unto them Peter and John.* Is it not evident from this circumstance that *Peter* valued himself upon obeying the apostolical college, instead of pretending to any superiority over them? For the college sends *Peter*, and he forthwith obey'd. From that time to this I can't find any augmentation of authority ever granted to the holy See, except by tradition. When the Pharisees reproach'd *Christ*, that his disciples *transgressed the tradition of the elders, because they did eat with unwashed hands, laying aside the commandments of God*, he tells them, that they (the Pharisees) *who were so zealous for the tradition of the elders, did thereby transgress the commandment of God.*

It may indeed be said with too much justice, that 'tis the constant fate of the high priests to be captivated by this passionate thirst after worldly grandeur, tho' there's no crime in the whole gospel against which *Jesus Christ* has express'd more resentment. St. *John* the evangelist tells us, in his 8th chapter, that *Christ*, in a long discourse which he had one day

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day with the chief priest, (and we don't find throughout the whole gospel that *Christ* ever exprels'd himself with more warmth) gave him these hard words: *If I say the truth, why do ye not believe me? ----- He that is of God, heareth God's word; ye therefore hear it not, because ye are not of God.* He adds afterwards, *It is my father that honoureth me, whom ye say that he is your God, yet ye have not known him; but I know him; and if I should say I know him not, I should be a liar like unto you.* These reproaches of being not of God, of knowing not God, and of being liars, did not move them a jot; but when he attacks the antiquity of their origin, by saying, *before Abraham was, I am,* they took up stones to cast at him. No wonder therefore to find this ambition of worldly honour lurking, even at this day, in the chief Priests, since they have it as by inheritance from the synagogue. But to return to the authority of a Council.

We don't find that *Jesus Christ*, when he conferr'd the priesthood on his disciples, gave them any authority different from that of *Peter*. When he instituted the sacrament of the eucharist, after he had supped with them, he said to them all, *take, eat, and as often as ye do this, do it in remembrance of me.* So that he conferred on them all equal authority of consecration. And when he was risen again, he gave them equal power of binding and loosing. He breathed on them, and said unto

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them,

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them, *Receive the Holy Ghost. Whosoever sins ye remit, they are remitted unto them; and whosoever sins ye retain, they are retained.* So that *Peter* in these two functions, or rather three, had not the least superiority over the rest, and those words afford no manner of foundation for the distinction made by the court of *Rome*, betwixt the power of order, and that of jurisdiction. Consequently, the bishops being the successors of the apostles, as the Council of *Trent* declares; and the Pope, the successor of *St. Peter*; it follows, that in the exercise of their episcopal authority, they depend no more upon the Pope than the apostles did on *St. Peter*; but when united together, they have an absolute superiority over him, as has been shown in the two preceding pages. But the *Romanists* object, that the keys were promis'd to *St. Peter* alone. *I will give thee the keys of the kingdom of Heaven.* I allow it; but since they take it for granted that the power of binding and loosing is exercised by the power of the keys, they must yield me this point, that the said promise is not singular, because the power that flows from it is exercised by many. *St. Peter*, at another time, who was subject, as well as all mankind, to the frailty of human nature, which is apt to demand large rewards for the least service done to God, took the liberty to say, *behold we have forsaken all and follow'd thee, what shall we have?* It cannot be deny'd there was a deal of presumption in this demand;

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demand ; for what reward could he think he had deserved, for leaving a paltry fishing boat, and a ragged net ?

This ambition of preheminance discover'd it self in the disciples, even in the presence of *Jesus Christ*. *There arose a strife among them, which of them should seem to be the greatest ; but Jesus said unto them, let the greatest among you be as the least, and the chiefest as he that serveth.* If our Saviour had approv'd of a superiority in a proper sense, was not that a fit opportunity to have declar'd it ?

If a Council be not superior to the Pope, to whom should the Church of God apply, when ever there should be more Popes than one, as happen'd at the time of the Council of *Constance*, when no less than three assum'd that name ; one of whom was *Gregory XII.* a *Venetian*. As to the other two, one pretended to excommunicate the other, who denying his competitor's authority, excommunicated him in his turn. Now what was the consequence of all this ? Why the flock of Christ did not know their true pastor. But 'tis impossible that God, who in his goodness has provided remedies for the body, should forget to make the same provision for the Soul, as they do in effect declare, who deny the superiority of a Council.

I intend not, by this, to deny the primacy of *St. Peter*, and by consequence that of the Pope. I own this primacy, but I can never al-

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low that usurpation of authority which *St. Peter* never had, and which by consequence is not attainable at this day by the Pope; for tho' he was the head, or chief of the apostolical college, he was not therefore superior to the others. There would be a contradiction in supposing a superiority among colleagues. But having fully discussed this question, I shall now conclude this chapter, hoping I have sufficiently prov'd that a Council is superior to all ecclesiastical dignities.

C H A P. V.

Whether a lawful prince may be depriv'd of his dominions by reason of excommunication?

IN some foregoing chapters we have sufficiently shewn the rigor of the punishment of excommunication, that it extends so far as to render a christian incapable of sharing the benefit of *Christ's* redemption. We have likewise demonstrated that a punishment so terrible is due to none but those who are guilty of the most enormous crimes; yet the defenders of the papal authority don't think this chastisement severe enough, and therefore they add, that every prince under excommunication may
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sometimes be depriv'd of his dominions, and that the next possessor needs no other title to them than executioner of the Pope's sentence : I say *sometimes*, because excommunication does not always carry with it this twofold punishment, but only when certain circumstances of the crime engage the Pope to add this clause to it. Those even who are not acquainted with modern history, and have only study'd the canons of the Church, will think this clause strange and absurd ; for those very canons, which seem to have been made purely for establishing the rights of the Pope, mention not a word about it ; but it must appear still much more extravagant to those who have any knowledge of antiquity, especially if they compare the carriage of modern princes towards the holy See, with the insults that were put upon it by the princes of ancient times. Indeed we read that some were excommunicated, but never that they were depriv'd of their dominions, or so much as reprimanded, tho' they had extremely injur'd the holy father.

In the time of the Emperor *Justinian* ; Pope *Vigil* was cited before the judges, and went to *Constantinople* ; where, at the solicitation of the Empress *Theodosia*, who favour'd the *Arians*, he was laid in irons ; yet the emperor was not excommunicated for that insult, neither then nor after. Another time, when *Gilsulfus*, Duke of *Benevent*, carry'd an army
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into *Campagna di Roma*, destroying all the country with fire and sword, Pope *John* sent to tell him, that if he would avoid the divine vengeance, he must decamp immediately. This was only a charitable admonition, but so effectual, however, that the duke obey'd; for admonitions are commands, when accompany'd with the sanctity of the prelate who gives them. On the other hand, if one considers the lamentable condition of the king of *Navarre*, who was turn'd out of his dominions by the king of *Spain*, one cannot but stand astonish'd at the severity of the punishment, compar'd with the lightness of the crime. This unhappy prince made an alliance, it seems, with *Lewis XII.* king of *France*, whom Pope *Julius II.* had excommunicated, and consequently incurr'd only the *minor* excommunication; yet, tho' he had committed no crime, the catholic king, who was a zealous executioner of the Pope's sentences, immediately seiz'd his dominions. Many things might be said upon this subject, but now we will examine it as matter of law; for as to the fact, the *Romanists* are so far from denying it, that they seem to boast of it, without staying to consider what crime deserves such a punishment. We proceed now to inquire whether the Pope has the power of decreeing it against any sovereign? And to make this inquiry with the greater exactness, the question must not be restrain'd to the Pope only, but extended in
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general to all the bishops; for according to the maxims of the court of *Rome*, all bishops have a right to excommunicate Princes, tho' we have no instance of the fact in our times; and tho' indeed it ought not to be, because a subordinate power has no right to censure a power which is absolute and independent. This is so constant a maxim, that if the *Romanists* will assert this right in the bishops, they must of course own them to be independent; and if they aver on the other hand, that they are dependent and subordinate to the Pope, they must disown their pretended authority, and not suffer them to extend it over free princes; but to gain their point, they deny our inference, and assert that a king or emperor ought to be subject to the meanest bishop, as long as he lives in his Diocese.

But I desire them to answer me this question, whether they would approve of a bishop of *Spain*, who, conducting himself according to their maxims, so advantageous for the ecclesiastical authority, should excommunicate a king of *Spain*, for reasons which he might think very just, and deliver up his dominions to another? If they say no, I would ask them the reason, whether it is for want of authority in the said prelate, or because they think the punishment too severe? If the former, let them shew me those different degrees of excommunicatory power in the gospel. For my part, I find no text there upon this subject, but

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but that address'd to *St. Peter*, you shall bind and loose; and that in another place, directed to all the Apostles, ye shall remit and retain, which are terms so near the sense of the former in a spiritual language, that they may be call'd synonymous. If the terms of the text were duly consider'd, when *Jesus Christ* speaks to *St. Peter*, he addresses him in the singular number and future tense, *I will build----- shall be bound and loosed*; but when he speaks to *St. Peter* and all the apostles together, he uses the present tense; *Receive ye the Holy Ghost; whosoever sins ye remit, they are remitted; and whosoever sins ye retain, they are retained.* Moreover, 'tis to be observ'd that *Jesus Christ* says this to *Peter* before his passion, when he could not be the pastor of a flock not yet redeemed, and when it was not yet expedient to give the power of binding and loosing, because the knots which bound up mankind in chains were as yet too tight, before *Adam's* sin was repaired; but when *Jesus* speaks to the apostles, the redemption had been wrought by our Saviour's death and resurrection. From hence I infer that the authority of the apostles was at least equal, if not superior to that of *St. Peter*, and that the bishops have consequently the same in their functions as above.

If the court of *Rome* condemns such conduct of the *Spanish* prelate, as being too severe, it fairly implies that there may be a fault in excommunications of this nature; and in
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the inflicting of those punishments ; consequently 'tis lawful for all persons to examine them whether they are faulty or not ? Therefore 'tis not an article of faith to be believ'd implicitly. They will say, perhaps, that they should not blame this act of the bishop, for either of those reasons, but only for its tendency to involve christendom in confusion, by authorizing princes to invade the territories of their neighbours. And I infer further, that when excommunication is to be fulminated, regard should be had to the interest of the public, and to reasons of state, for avoiding universal scandal ; which is a maxim we laid down before.

But, if upon the whole, they should say they would approve the conduct of a bishop that fulminates excommunication with this reserve, that the motive of it seems to him to be just, they must pardon me for frankly owning that I cannot believe them, because this would be acknowledging that every bishop is a Pope in his Diocese ; an opinion by them detested as much as that which sets a bishop upon a level with the Pope, to whom they ascribe greater authority than to a bishop, tho' they can produce no text to support it.

This monarchical authority of the Pope has caused me to make a reflection, which I think very true and just, *viz.* that all other things of this world, whether created or generated, lose their vigor and force in process of time ; but
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the Pope's authority is so far from losing, that it always gains; and, which is very miraculous, is more vigorous in its old age than its youth. If we cast our Eyes on the productions of nature, and the ordinary generation of things, we find them declining with age, and destitute of their former vigor. Men do not live so many months now, as heretofore they did years. The brute creatures are not so capable of fatigue as formerly. The fruits of the earth have not the same savour, sweetness and substance, and are more dangerous to the constitution. Then as to bodies politic; those, which were once fam'd for their wisdom and power, are become weak and supine; and the subjects, who formerly burned with zeal and duty to their sovereigns, upon all occasions, are now become cold and indifferent: The arts and sciences have suffer'd the same diminution; where is there now an *Apelles*, a *Phidias*, and a *Poliſtetus*? Our age has no *Aristotle*, *Plato*, nor *Socrates* in the schools, nor no *Achilles*, *Alexander*, and *Hannibal* in the field. The *Turkish* empire is a farther proof of this vicissitude; this empire, founded upon the slavery of the people, and their blind obedience to the sovereign; which they think honourable in this life, and meritorious in the next; how is it fallen from its ancient splendor! The *Mahometans*, who now see thro' all the whimsies of the *Alcoran*, and find how contrary its laws are generally to the preservation and advantages

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ges of society, have not that faith which their ancestors had in *Mahomet*. These decays are all natural, and there's nothing in this world in which they are not visible. In my opinion this single argument might have convinc'd *Aristotle* that the world would have an end; which he so absolutely deny'd, because, said he, experience taught him, that corruption is the cause of generation; so that he thought it impossible for the world to cease, considering the daily resurrection of individuals.

On the other hand, in an ecclesiastic monarchy we find, that, excepting holiness, which does not increase; and respect, which diminishes from time to time, authority augments every day. But this increase is owing purely to a refined piece of secret policy, by means whereof the Popes have artfully worked themselves into secular affairs, and especially when a state finds it self under an obligation to change its sovereign. Then, if the Pope's help is implored, tho' the affair is purely civil and independent of the ecclesiastical jurisdiction, he does not lose a moment, but flies to the assistance of the sovereign who desires it, as a sure way to gain him over to the interests of the holy see, and to make him a defender of its authority. Thus when *Pepin* depriv'd *Chilperic* III. King of *France*, of his crown and dignity, on pretence that he was a weak sluggish prince, Pope *Zachary* confirmed his election in 750. So when *Charlemain*, King of
France,

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France, seiz'd the imperial crown, excluding *Constantin*, the son of *Irenæus*, Pope *Leo* crown'd him in *St. Peter's Church* at *Rome*. In like manner, when the empire was divided betwixt him and *Nicephorus*, the Pope gave his approbation. These, and many other accidents of this kind, are what the Popes improve to justify their titles, and to make it believ'd that they can do every thing as well as he from whom they pretend to hold their power. By this method also, the Popes have engag'd *England* more than once to become tributary to the holy See, by paying it an annual tribute of a hundred marks of gold, which was called *St. Peter's Pence*. And this the *English* government consented to, for warding off a blow then threatned by the *French*, who had too great a respect for the Church to invade a fief of the holy See. To this very cause must be ascrib'd the advancement of some rich aspiring princes to the dignity of king, great duke, &c. who thinking their former titles too mean, have recourse to the Pope; and if they do but engage to make some small acknowledgment to the holy See, they need no more to obtain their wishes. The court of *Rome* has slip'd no opportunity to put in practice a method so effectual for augmenting the Pope's authority; and as it thereby makes princes defenders of that authority, which the holy See claims to it self in secular matters, so in spirituals he has secured the monks of all orders whatsoever to his

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his own interest, by exempting them from the jurisdiction of the bishops.

This was the course which the See of *Rome* took to make itself necessary. Yet the ancient sovereigns, and those who had no need of the Pope's protection to establish or aggrandize their authority, could not bear those usurpations. Indeed they became familiar by time, which brings all things to maturity; and by the Pope's cunning improvement of the necessities of princes, who before had oppos'd their authority, or by the speedy assistance of others, whose towering hopes of greatness call'd for such a support. But for a Pope to pretend to take away a prince's hereditary dominions, under colour of some slight disobedience, is what princes ought never to suffer; because the injury of turning a prince out of his property, is much greater than the courtesy of granting it to him who desires it; for a title granted, tho' perhaps irregularly, does not immediately offend another; and if it should, that's all; but a prince cannot be depriv'd of his dominions without being injur'd; so that if the first action may pass for a favour, tho' against law, certainly the second is a very great injury.

All the dissentions which have been, and are still in the Church, have their source from the new customs and pretensions of the court of *Rome*, who would fain set humane tradition upon an equal foot with the gospel of

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Jesus Christ, because 'tis on such tradition that they found the many prerogatives of the Pope, which were entirely unknown in the purest times of antiquity. From hence comes that diversity in opinion between those who are for hearkening to tradition, and others who are for consulting only the sacred text, as the fountain of revealed truth, because inspir'd by God, and who set by tradition as a mere human production; for which they are branded with the odious character of heretics and schismatics. But the case would be quite otherwise, if the Pope would tread in the steps of *St. Peter* and the other apostles, and primitive fathers, who were inspir'd by God with a holy zeal for his glory, in comparison whereof they accounted all this world's honour, and even life itself, as less than nothing. If the Pope, I say, would imitate their conduct, I don't know one christian that would not be asham'd to deny him all possible reverence, and the most entire obedience, I mean, to his positive laws; for as to the articles of faith which are conformable to the scriptures, whoever presumes to call them in question, must be heretics in my esteem, as I have already protested more than once.

Now, the clause which is sometimes added to excommunication, *viz.* that a prince excommunicated shall be depriv'd of his dominions, as a punishment for his offence; that they shall devolve to the next possessor, and that

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that his subjects are thenceforth absolv'd from their oath of fidelity, and from all obligation of obedience to their former sovereign, was never *practis'd*, did I say? no not so much as ever *mention'd* in the primitive times. *Lycurgus*, when tax'd with an omission in the compiling of his laws, because he had prescrib'd no punishment for a parricide, answer'd that he did not think it possible for so horrid a crime to enter into the heart of man, because nothing was more contrary to human nature: Therefore, I say, 'tis utterly needless to rake into antiquity for a proof whether the Pope may, or may not, make use of this clause, since 'tis an innovation of but a hundred and fifty years standing. Consequently, if the most holy Popes of antiquity did not inflict such punishment for the most flagrant crimes that ever were committed by princes in rebellion against the See of *Rome*, it must be infer'd as their belief, either that they had no authority for it, or that it was unjust. I know some will object, that those Popes were negligent, and did not consider they had that power; but this is a notion I can never come into, because many of them demonstrated, both by their practice and doctrine, that they were enlightened by the divine spirit. Proceed we now to examine the nature of that clause.

'Tis an augmentation of spiritual punishment with that which is corporal. But is it

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not absurd to make the least comparison betwixt the damnation of the soul, and the sufferings of the body; the former being consider'd as infinite, and the latter by their own nature limited and temporary? This made our Lord Christ say, *What shall it profit a man, tho' he should win the whole world, if he lose his soul?* What need then is there for adding the loss of temporal goods to excommunication, which of itself deprives a man of everlasting glory, by denying him the sacraments, which are the means and pledges thereof? Is not this actually adding finite to infinite, which addition cannot make it more infinite than it was before? Is it not as much as to say that the first punishment is insufficient; because, if it were sufficient, the addition would be needless and unjust, and would rather diminish than add to the weight of excommunication? The common law says, that a judge may not condemn a criminal to corporal punishment, and to pay a fine for one and the same fact. If the criminal (says the law) be guilty of such crimes as deserve severe punishment, the punishment shall be proportion'd to the guilt. If it be a petty crime, and the judge thinks fit to punish him *ab extra*, that is to say, by a fine, he may not lay corporal punishment on him at the same time, because to subject the criminal both to corporal and pecuniary punishment at once, would be punishing him two ways at a time. Now when one mean is sufficient for an end,

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end, 'tis in no wise expedient to make use of two; but if the crime be so heinous as to deserve the severest punishment, viz. death, it is still more unjust to add pecuniary punishment to it; because death makes satisfaction for the greatest crime in nature, and the law of God teaches, *that he who is put to death is justified from his sin.* 'Tis true, indeed, that sometimes the judges join pecuniary and corporal punishments together; but 'tis only when the corporal punishment is unusual, and lighter than what the law prescribes for such crime; so that I assert, that when the punishment is capital, the criminal ought not to be fined.

Therefore, upon due examination of the matter, it will appear that the Pope cannot condemn an excommunicated person to the loss of worldly goods; which may be as fitly compar'd to a fine, as excommunication, which is the death of the soul, to the loss of life. Consequently, when the Pope acts otherwise, it must be allow'd that he either sets common law at defiance, or that excommunication is not really so terrible a punishment as is given out. Tell me not that the Pope is above the law, and by consequence not oblig'd to observe such forms; for the law is founded not only on the civil power, but also on the law of nature, to which all mankind is subject, and which no person can resist; because, according to the order of second causes, the law of nature supplies the place of the divine law.

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law. Besides, whoever compliments a judge so far as to own him bound by no rule, gives him full range to make what criminals he thinks fit, and to punish the innocent at discretion. But our Lord *Christ*, to avoid such an imputation, says, *I came not to break the Law, but to fullfil it.* For my own part, I cannot help comparing this complication of punishment to a candle lighted at noon-day, which rather exposes the folly of the person that kindles it, than adds to the light of the sun. But now to argue *de minore ad majus*. When a prelate, or the Pope himself, excommunicates a private person, they never add the clause of confiscation or loss of goods; why then is that clause inserted against a prince, to whom greater respect is due than to a private person? Let it not be said that the crimes of a private person, and a prince, are not weighed in the same balance; for I should have recourse immediately to this certain axiom, that God has but one balance for the crimes of all mankind; for as the apostle says, *with God there is no respect of persons, whether bond or free.*

It may be objected perhaps, that when the civil power banishes a person, it commonly adds the confiscation of estate. This I own; for banishment is only an accidental punishment, which consists merely in a person's deprivation from the society of his fellow-citizens, and may render that person more happy abroad, than if he staid at home. This made *Aristides* say

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say in his exile, *perieramus nisi periissemus*. Now the law punishes a man in his estate, when it cannot come at his body, by reason of his absence; but 'tis not so in the present case. The Pope has already condemn'd the criminal to the most rigorous punishment, in depriving him of the sacraments, and driving him from the Church; which, according to the court of *Rome*, carries along with it the death of the soul. Therefore 'tis not requisite to add the confiscation of estate to that sentence, because the death of the soul is more than sufficient satisfaction for the grossest crimes. Let it never be said that an excommunicated person is as one condemn'd, who has lost the relish of all comfort in this life, and may therefore be lawfully depriv'd of his dominions. This argument destroys itself; for we know by faith, that all the damned do not feel the extremest degree of punishment; there being greater and lesser degrees of torment in hell, as there are different degrees of glory in heaven; from whence it follows by parity of reason, that the extremity of punishment ought not to be inflicted, in this world, for a sin which is an act of the soul, since they are not all equally punish'd for such sins in the world to come.

But the Pope's conduct would need no better warrant than a demonstration that he has receiv'd worldly power from *Christ*; who, if he confer'd it on *Peter* and the other apostles, certainly did not give it them to make no

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use of it. 'Tis plain then, that if the courtiers of the *Roman* See could produce only one word out of the holy scriptures, to authorize this important claim, it were enough; but since nothing like it can be found throughout the whole Bible, let them not pretend to urge it with this plea, that because *Christ* gave power to *Peter* to govern his Church; and because, for the well governing of it, 'tis necessary to cut off the rotten members; therefore when a prince is excommunicated, it were better he should cease to be a prince, be strip'd of all he has, and reduc'd as near as possible to nothing, that his punishment may be a terror to others. This argument is exactly of a size with a very trite maxim at *Rome*, that a heretic ought either to be converted, or burnt. 'Tis not only a very fallacious and inconclusive way of reasoning, but injurious to mercy, that most glorious attribute of God, hinders repentance, and makes the prophet a liar, by whom God declares, *In the day that a wicked man returneth from his wickedness, all his iniquities will I not remember.* The judgments of God are vastly different from those of men; but always for the better: For example, if a delinquent confesseth his crimes to men, he exposeth himself to condemnation; but if he confesseth them to God, he obtaineth forgiveness. Thus, saith he, *My ways are not as your ways.*

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There are innumerable souls in heaven that were once the vilest of sinners, but were afterwards justify'd, and now excel those in glory who always preserv'd their innocence. *There is greater joy in heaven over one sinner that repenteth, than over ninety and nine just persons that need no repentance.* If therefore repentance gives such a lustre to the soul, as renders it more beautiful than it was before its fall, why then, to apply it to the present case, may not a prince, depriv'd of his dominions for a spiritual crime, which can only be repair'd by the contrition of the soul; why, I say, should not such prince be restor'd to his former, if not greater splendor, when he repents, returns to his duty, and desires to be readmitted to favour? Tell me not of his having spiritual grace alone; for I would fain know why he may not, together with that grace, have restitution also of his temporalities taken from him by reason of his offence, since his conversion renders him the better man for having offended.

Pope Gregory the Great shewed this to be his real sentiment, when, like a true penitent, he cry'd out, *It is good for me, O Lord, that I have sinned.* When God chastized Job, that eminent pattern of patience, as soon as he found himself reduc'd to the severest extremity, he was so outrageous as to curse the very day of his birth, and to tax God with cruelty and injustice; but afterwards, when he came

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to himself, he beg'd pardon, obtain'd favour, and the Lord gave him twice as much as he had before. The Pope affects to imitate God in the severity of punishment, but not in pardoning or restoring the offender, and only does it by halves; for when once the dominions of an excommunicated prince are become the possession of another, the Pope, with all his authority, cannot make him restore them; because, if the Pope's decree be just, the possessor always thinks himself sufficiently authorized to keep them as his lawful property. That which involv'd *Judas* in a state of damnation, was his despair of ever obtaining restoring grace for his former crime. So the depriving a prince of all possibility of being re-establish'd, is the way to make him despair of ever being restor'd to favour. If the Pope pretend, in his excuse, that such prince ought to be very speedy in his obedience, if he would avoid double punishment: I answer, that *Christ* did not act after this manner; for he promises to repair the loss suffer'd by sin, at all times, without limitation. And if the Pope replies, that he also makes all the restitution, in his power, to such excommunicated prince, by restoring him the pledges of divine favour: I answer again, that the holy father is in the wrong to be the occasion of such losses as he cannot repair; for if he would imitate God, he ought to know that repentance not only wipes out all the evil of sin, but also renders the

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the sinner a better man in the sight of God than he was before he had sinned.

But now, under favour, we will examine both the good and the evil that attend such excommunications as deprive a prince of his dominions. The benefit which arises from hence is twofold, according to them; for first, say they, the crime for which such punishment is inflicted, being suppos'd to be very heinous, the more severe the punishment is, the more it will be proportion'd to the crime. Secondly, if the prince should continue obstinate in his crime, such severe punishment will serve as a continual spur to urge him on to confess his fault and repent. Thus the *Ninevites*, who were drown'd in their sins, did not repent till they were threatned with an universal conflagration. They add further, it serves for a warning to others to abstain from the like crimes, lest they fall under the same punishment; *Oderunt peccare mali formidine pœnæ*. The wicked are deter'd from sin by the fear of punishment. Thus far these gentlemen. But for my part, I find that what they here call good, is attended with very great evil; and like a drop of neat wine mixt in a glass of poison, which loses its goodness, and becomes homogeneous with the poison itself. For as to the first argument, it will easily be demolish'd by the following reflection, viz. that excommunication being a spiritual punishment inflicted on the soul of a sinner, 'tis undoubtedly

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ly the greatest of all punishments, since 'tis a cutting off from the body of the Church, and therefore it cannot be augmented; whereas the adding corporal punishment to it, supposes that excommunication is not so efficacious as is given out; because the joining of two punishments together, the one spiritual, and the other temporal, is a fair confession that the spiritual is not sufficient; for a remedy, that will do of itself, is never compounded with an auxiliary.

As to the other advantage, which, say they, flows from this two-fold punishment, viz. that it spurs the criminal to repentance; I refer them to their own argument; from whence it must be infer'd, that such conversion is not the effect of punishment already inflicted, but of more which is threatned: For example, the *Ninevites*, when threatned, repented; but the people of *Pentapolis*, when punish'd, died without remedy; so *Pharaoh*, the more plagues *Moses* brought upon his land, the more he harden'd his heart. Would to God that the Popes had been more cautious and deliberate in excommunications of this nature; they would have been still sovereign Pontiffs, whereas they are now no more than bishops, and such bishops too that are despised and abhorred as antichrists. The truth is, that after all they have advanc'd, where one excommunicated person has been converted, there are ten who have push'd their disobedience to apostacy;

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apostacy ; such is the condition of the damned, who belch out the most horrid blasphemies ; having no greater torments to fear, nor pardon to expect ; and such is the corruption of our nature, that we are prone to render evil for evil.

When the Pope excommunicates a prince, and deprives him of his dominions, he cannot make his condition worse, for he deprives him of spiritual and temporal life both together. To be sure then, such prince, if he were able, would destroy the Pope and papacy with all his heart ; nay, would do worse, if worse could be. When *Luther* was excommunicated, he had only preach'd against indulgences ; but after his excommunication, he publish'd above a hundred propositions against the *Roman Catholic* faith, and the Pope's authority. When *Henry VIII.* was excommunicated for the divorce of *Catharine of Arragon*, he and all his kingdoms apostatiz'd from the Church, and became the sharpest persecutors of the papacy, to which they had, till then, been devout tributaries. Let no one therefore boast of the good effects of excommunication, because the success of the justest punishment depends entirely upon the good disposition of the person corrected.

How many canonical punishments are now out of use, because the pious zeal of the people, who even courted martyrdom, is cool'd in the same proportion as the personal sanctity
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of the Popes is diminish'd? And it will be just so with excommunication, when once it is attended with the deprivation of dominions. Who knows what may be the dreadful consequences of such a clause? What desolations and plunderings? How many massacres of the innocent? How many rapes and burnings? What rapine and violence? If such are the means, what will the end be? It will be in vain to pretend that such dominions are transfer'd into the hands of a prince more pious and obedient. *We must not do evil, that good may come on it.* But this is not all yet; who knows what disturbances may happen in the recovery of such lost dominions? It cannot be expected that such an undertaking, as the seizing a prince's dominions, will always be attended with the same easy success, as when the king of *Navarre* was depriv'd of his dominions. For at that time the very novelty of the attempt frightened that unhappy prince's subjects, who, rather than be put under the curse, submitted to the usurper without resistance. But now people's eyes are open'd, and persons of the meanest rank can dispute, and prove, that the Pope has exceeded his authority; and that if christians are oblig'd to obey the Pope in matters of faith, they are equally oblig'd to spend their lives in defence of their prince and country. In short, if man was so wise as to foresee contingencies, I cannot but think, that if a Pope foresaw the misfortunes which

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which such conduct would occasion; tho' in his conscience he thought he had the justest reason for it in the world, he would tremble with horror, as the elect will in the last day of judgment at their neighbour's condemnation, tho' they are secure of being sav'd themselves.

These are the reasons produc'd to justify the conduct of the court of *Rome*, in point of excommunication, because there's no passage in the gospel on which it can be clearly established; and tho' something like it may be found there, it must be understood in a restrain'd sense; for the gospel says, *If thine eye offend thee, pluck it out.* But where's the man that obeys this command in the letter? Or where's the Pope, who, tho' as liable to vice as other men, plucks out his eyes or his ears, that are commonly the inlets of sin? Surely then there is much less reason to do a thing which has no manner of precedent; for *in odiosis non est ampliandum.* When *Christ* gave commission to the disciples to go and convert the Gentiles, he told them expressly, that whereever the people did not receive nor hear them, they should depart thence, and shake off the very dust from their feet, as a testimony that they would have nothing more to do with them: So when he prescrib'd them the rules of brotherly correction, he told them it ought to be done with modes and forms, and that if a person did not amend after admonition, they should account him as a heathen
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and a publican. In short, I never could find that our Saviour inflicted any temporal punishment on the most obstinate sinner. But the Popes have acted far differently. History tells us, that *Pius V.* who was a Pope of a holy life and conversation, threatned the emperor *Matthias* to depose him, as having forfeited the imperial government, if he did not revoke a certain decree which he had passed against the ecclesiastical liberties. But here are two things to be consider'd, First, that he threatned him, and that was all; now such a menace is better than putting it in execution. Secondly, that tho' he had depriv'd that emperor of his dignity, he would, by so doing, have only exercised an act of temporal authority, which the Popes have over the emperor; tho' not *de jure*, yet at least *de facto & de consuetudine*, and by consent of the party; for 'tis owing to the Popes that the empire, which passed from the east to the west, and first into *France*, is at this day fix'd in *Germany*; and 'tis no less owing to the indulgence of the Popes, that the imperial government, which was at first elective, became afterwards successive. From hence it follows, that they have as much right to depose him, as any private man can have to make void a grant for the ingratitude of the person to whom he gave it. But to take away the dominions of a free prince, who derives his power immediately from God alone, without being oblig'd to the least favour from the

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the Pope, for his establishment, is crying injustice. Therefore let the See of Rome be contented with the power of excommunication, which is great enough in conscience, and let them keep as much as possible within the bounds of the ecclesiastical monarchy, which is purely spiritual, without being so vain as to imagine that a christian prince, tho' disobedient, may, for the edification of the Church, be lawfully depriv'd of his dominions; for St. Peter himself, whom the Popes ought to propose for their pattern, says, *Honour the king. Servants be subject to your masters with all fear; not only to the good and courteous, but also to the froward. For this is thank-worthy, &c.*

If St. Peter, who prescrib'd this submission to the secular power, had, in his conscience, thought it lawful to treat temporal princes, in any case, with so much severity, surely he would not have been silent in a point of such importance as this. Mean time he is so far from approving it, that he recommends the observation of a precept the very reverse to it, I mean, absolute submission. From hence I conclude, that since Peter did not believe such conduct equitable in itself, or even consistent with the papal function, it ought not to be introduc'd by the means of human tradition; which, as I have said already, has been the source of numerous disputes, and given birth to their opinion, who accuse the Pope of as-

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suming more authority than *St. Peter*. Having said enough on this point, we dismiss it.

CHAP. VI.

Whether excommunication is justly incur'd by infringing ecclesiastical liberty?

FOR the better solution of this question, 'tis necessary to distinguish that ecclesiastical liberty is violated sometimes by private persons, and sometimes by sovereigns: If by a prince, it may affect either the persons of ecclesiastics, or their estates; the former, by hindring them in the exercise of their functions, or when they concern themselves not as ecclesiastics, but as private persons, in affairs out of the jurisdiction of ecclesiastics; the latter, by cutting off the clergy's tenths, and the like grievances. I thought this reflection very necessary for deciding several questions, which will occur hereafter, and cannot be discussed asunder, because of the relation they have to one another.

When an injury is done by a private person to ecclesiastical liberty, in respect either to estates or persons, the prelate may with justice proceed against him, even to sentence of excom-

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communication, if, after he has twice admonish'd him, the criminal obstinately persists in the violation of such liberty, or offers no excuse, especially when the injury is important and notorious; I say, if the injury be important and notorious; because, tho' it be manifest, and yet trifling, the prelate ought to remember the decree of the Council of *Worms*, formerly mention'd; which orders, *that no person shall be excommunicated for a trivial cause*: I add, that the bishop may lawfully inflict this punishment for the injury done, as well to the estates as persons of the clergy, because private men are oblig'd to respect both alike. If a person is convicted of a design upon the life of an ecclesiastic, he incurs excommunication *ipso facto*, without previous admonition; which is not necessary in this case, every one being sufficiently forewarn'd in law not to attempt the life of a clergyman; so that whoever strikes a clergyman, is as much excommunicated as if sentence were actually pass'd against him, and publish'd. Nevertheless, I must not forget to take notice, that cases of self-defence ought always to be excepted; for if it be decided that a priest, who, going to celebrate mass, kills a man in his own defence, *cum moderamine inculpatæ tutelæ*, is not only exempt from the breach of the canon against homicide, but from the very imputation of sin; so that he may approach the altar with unwash'd hands, and legally celebrate

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mafs; and all this because self-defence is authoriz'd by a law of nature, not made, but implanted in our very beings; and from which no other law can derogate; we have the same reason to make this exception at another time in favour of the laity, who, being not so strictly oblig'd as the clergy to submit to the canons, are more at liberty to obey this law of nature.

It ought also to be consider'd, in regard to the conduct of a private person, who violates the ecclesiastical liberties with relation to estates, that if his attempt be barely injurious, he deserves the ecclesiastic censures; but with this precaution before-mention'd, that such censures be preceded with two admonitions. Now if the criminal, after the said admonitions, offers no plea in excuse for his conduct, and actually persists in his attempt, it ought certainly to be deem'd injurious; but on the other hand, if he protests against the admonition, pretending to have acted *jure proprio*; and by virtue of some title, be it what it will, then the ecclesiastics, whom it concerns, shall not summon such laymen before the ecclesiastical court, but before the secular tribunal, which shall judge of the validity of the pretended title; for 'tis a rule in law, that the plaintiff or prosecutor bring his action in that court to which the defendant belongs. Thus for example; if a *Venetian* has any demand upon a citizen of *Bergamo*, he must bring his
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action against him at *Bergamo*, and not cite him to appear at *Venice*. If indeed so much time is spent in proving the title as renders the suit tedious, then excommunication may be publish'd ; but if it be publish'd before such protestation, all the consequences of it ought to be suspended, for the delinquent cannot be deem'd contumacious while his injury does not appear ; and if not contumacious, he cannot be subject to excommunication. 'Tis needless to dwell longer upon these considerations, which are not so much as controvertible, if the jurisdiction of the judge, which uses to be disputed, be not refus'd, or call'd in question.

If a sovereign prince breaks in upon ecclesiastical liberty, we have already observ'd, that distinction ought to be made between estates and persons ; if a seizure be made of estates, there should be another distinction between the tenths and other ecclesiastical estates. Every thing relating to the tenths shall be refer'd to its proper head, and the power of a prince to seize them, shall be the subject of the tenth chapter. Therefore, if a prince lay hands, not upon the tenths, but other estate of the clergy, and seize it for the good of the publick ; for instance, if he make use of the Church-lands for building a wall, making ditches about a city, or trenches for the passage of a river, or canal, or any thing else for the publick good and safety ; tho' such

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sovereign refuse, after the Pope's admonition, to restore those lands, whatever censure he may deserve in other cases, he incurs none in this, because it falls under the law of necessary defence, which, I have already shewn, is excepted out of this question. But if a sovereign prince usurp the estates of the clergy, with no other view but to fill his own coffers, to furnish him diversion, to pamper his luxury, or to maintain the splendor and vain pomp of his court; notwithstanding all that has been said to prove that the authority of the Pope over princes is purely spiritual, and consequently that they are accountable to God's tribunal only for their crimes; yet, for all this, I say, that such prince deserves excommunication, because the power given to the Pope by *Christ* himself to feed the christian flock, includes in it an obligation to defend the ecclesiastics in the peaceable enjoyment of their temporal maintenance, that they may be the better prepar'd to perform the offices of the priesthood, and to distribute that bread, which is the chief and truly celestial nourishment.

It cannot be deny'd that the use the prince makes of the estate of the clergy which he seizes, may either diminish, or augment the nature of his crime. We read that *Herod*, king of the *Jews*, sent some of his confidants to the tombs of *David* and *Solomon*, to carry away the sacred treasures, which were there reposit'd; and a sudden flash of fire came out

out of the tomb and consum'd them. But king *Hircanus*, who, some time after, took three hundred talents out of those tombs, to buy a Peace from the king of *Egypt*, came to no harm, nor those whom he sent with that commission. God was pleas'd to make it appear by this variety of success, that the end and design which a person proposes is always more to be regarded than the action itself, because the former renders the latter either good or evil. Very pertinent to this purpose, I remember a laudable action of Pope *John IV.* whose Memory I therefore revere. This Pope made no scruple to strip all the Churches of *Rome* of their most precious ornaments, for redeeming a number of christian slaves from the infidels, remembring from the *Revelations*, that those animated stones were the truly precious stones, which were to go towards the building of the heavenly *Jerusalem*. A prince may be said to make an attempt against ecclesiastical liberty, with respect to persons, when he molests the Clergy, either in the exercise of their functions, or in actions which they do, not as priests, but as ordinary persons. If a prince disturbs a clergyman in his priestly character or functions, he deserves excommunication (provided two admonitions be given in the first place) for 'tis said, *Touch not my anointed*: Now, by the word *anointed*, all those are understood who are anointed, or consecrated by divine ordination. But this point deserves

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particular regard, and the nicest examination, in order to avoid mistakes on either side.

A prince neither can, nor ought to concern himself with the functions of the priesthood, which is an office above the secular power; neither is it his business to introduce new rites, or new modes of performing the offices of a priest, this being a point reserv'd to the Pope and Church alone. But if, for just reasons, a prince commands the priests to perform their functions in the ordinary way, this cannot be called an infringement of ecclesiastical liberty, but rather an encouragement and protection of it; and no man in his right senses could reckon it criminal in a governor, or other secular magistrate, much less a prince, to bid his chaplain, when he celebrates mass, do it in the common way.

If a prince infringes the liberty of ecclesiastics, for actions which they do, not as priests, but as laymen, he is undoubtedly so far from incurring excommunication, that he is not in the least blameable; for tho' the prelate is not subject to the secular power in his quality of priest, yet when he commits any worldly, civil, or secular action, he is forthwith suppos'd to act as a layman, and consequently responsible to that prince who is lord of all that are born within his dominions. All ecclesiastics are oblig'd to obey the common laws of their country, and the prohibitions which the prince thinks fit to issue for the well-governing of his
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dominions. For instance, if a prince forbid his subjects from trading in salt, or prohibit all commerce, or intercourse, with the dominions of a neighbouring prince, it would be ridiculous for ecclesiastics to plead the privilege of their order for an exemption from these obligations. A prince would have but the shadow of power, if he must be oblig'd to the prelates approbation, before he can make a decree that includes the clergy as well as his other subjects. The prince demands to be obey'd on this occasion, not by the order of priesthood, but by the persons therewith invested. It might be here expected, perhaps, that I should examine whether, when ecclesiastics are punishable for secular actions, their lay sovereign has a right to judge them? But I refer this inquiry to its proper head, viz. the XIth Proposition. But observe, by the way, that I speak of secular actions only; for if an ecclesiastic renders himself criminal in administering the sacraments, or in his other sacred functions, he would be accountable to none but an ecclesiastic judge, who is alone capable and authoriz'd to take cognizance of his fault.

Another remark is very necessary in this place, viz. that all this authority here ascrib'd to secular princes, over the ecclesiastics, must be understood only of princes who are invested with the royal or supreme dignity; for if he be of an inferior rank, if he be only a feudatory prince, his authority will not be near
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so extensive ; for such hold their sovereignty not *jure proprio*, but *jure adventitio*, and are as the representatives of another superior prince ; and in this respect, having their hands ty'd up from making new laws and orders, they must be content with those that were in force, either when the government was consign'd to them, or at the time of their accession. But if it happens that by the change of the times, or unexpected accidents, such subordinate princes think fit to make new laws, or to derogate from old ones, they are oblig'd to have the consent of the lord of the fief, or some other person or Council, from whom they receiv'd their investiture ; so that if, on such occasions, they themselves violate ecclesiastical liberty, they well deserve to be censur'd, because they want the privilege of sovereign authority to protect them. Some perhaps will accuse this distinction of fulsome flattery towards those who enjoy that privilege, and as an insult on those who are depriv'd of it ; but let such remember that my authority for this is the Council of Trent, where, in more places than one, there are exceptions in favour of an emperor, a king, and all that are invested with sovereignty, whereas there is not one in favour of inferior princes, who have only the title of petty sovereigns.

Besides the violation of ecclesiastical liberty, which a secular prince may commit, with respect

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spect either to persons or estates, he may likewise violate the privilege or immunity of consecrated places. Indeed a great respect ought to be paid to those places, as they belong in a special manner to God ; and they are not subject to the distinction we made use of with regard to his ministers, whose actions are sometimes holy, and at other times profane. For those places are always sacred, be they profaned never so often. We read of *Asylums* in all ages and countries. Under the old law, cities of refuge were constituted by divine appointment in every tribe, where criminals might shelter themselves from the pursuit of justice. The capitol was vested with the same privilege in old *Rome*, and the pagans thought they honour'd their *Jupiter* by giving him the title of *Capitolinus*. In the succeeding ages, those who fled only to some statue of their prince, enjoy'd the like privileges. In the history of *Alexander* the Great, we read of an order that prince gave to *Megabizes*, that if he could apprehend a certain notorious criminal, he should bring him to exemplary justice, but with a caution not to hurt him, if he had taken sanctuary in an *Asylum*. And while *England* was in the *Roman* Catholic Church, the history of those times makes mention of the famous sanctuary at *Westminster*, which, according to tradition, was the residence of angels. In short, consecrated places have always enjoy'd this franchise, and a prince who

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resolutely goes about to violate it, deserves all the ecclesiastical censures, and becomes highly guilty before God's tribunal, who has always shewn himself a jealous guardian of the immunities of such places. Among the cases of conscience, this is one, that the minutest robbery committed in the Church is heinous sacrilege; and every private person who violates the freedom of a consecrated place, on any pretence, be it never so slight, not only falls under the ecclesiastical censures, but is accountable for the crime to the secular tribunal, and ought to suffer punishment. Yet for all this, it must be observ'd that this proposition, relating to the immunity of places consecrated, is not so universal, but that 'tis many times subject to exception. The canon law mentions twelve cases, in which persons are not oblig'd to regard such immunity. These cases include such enormous and heinous crimes, for which christian charity cannot possibly grant a safeguard to miscreants, that are unworthy of human society. This exception is founded upon a supposition, that it would be a greater sin against God to suffer enormous crimes to go unpunish'd, than to violate the immunity of such places; for the said act is not accounted a criminal violation, when 'tis done to obviate a greater crime. So a surgeon, who takes away the life of a man by cutting off a limb, is not liable to be punish'd as a murderer, because he propos'd to cure him

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him by that operation, and not to kill him. Since then the *Partizans*, even of the court of Rome, do allow, that there are cases which do not oblige to the observance of ecclesiastical immunity, I will venture to affirm, that besides those twelve cases, a secular prince may set himself above the laws in numberless other cases, of equal importance, not provided for by the law; for there are more cases than laws; and let a legislator be never so exact, 'tis impossible but that an infinite number of other accidents will escape his exactness; for all these different cases are so numerous, that a man may as well number the grains of sand on the sea-shore, as pretend to reckon them. Therefore, if a prince, in a case that is altogether new, but important, shall neglect the observation of this immunity, he is not liable to excommunication, tho' another person should think the case to be of no importance; for, provided a man's intention be good, 'tis not absolutely necessary for his opinion to be right, and a prince's good intention will excuse him from any crime, and by consequence from the punishment of excommunication, which can never be fulminated against him for violating a consecrated place, in taking out a criminal, in order to punish him for a crime which he accounts heinous; for no body knows the principle of a man's own actions better than himself, and it may easily happen that a stranger may think
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light of a crime, which the persons concern'd, and present, may reckon very considerable. But note, that in this case the prince alone, and not the ordinary magistrate, is the proper judge of the nature of the crime, and the importance of the case, unless, after better consideration, he thinks fit, in respect to the Church, to act otherwise, even when he finds it necessary to lay that respect aside. But enough of this subject.

C H A P. VII.

What ecclesiastical freedom is? whether it includes only the concerns of the Church, or all ecclesiastical persons?

THE great respect we owe to our parents, is the rule of that, which all Christians ought to bear to the Church. This precept of the decalogue enjoining filial duty, has been religiously observ'd even by the idolaters, who, tho' they never saw the glorious beams of divine reason, have learnt from nature itself how much they are oblig'd to obey and honour their parents; and no body can give a greater indication of a brutish nature, than to know this to be a duty, and at the same time forget to

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pay it. Now, I say, that the obligation of respect to the Church, may be deduc'd as a *minori ad majus*, from our duty of obedience to parents ; for, if we consider what the Church is, we must acknowledge her to be a very affectionate mother, who nurses us, brings us up, and gives us nourishment suitable to our weakness, and our natural ignorance of the divine mysteries. 'Tis by her assistance that the mind of man is fortify'd in the knowledge of God, and of the duty of believers, in the use of the sacraments, and in the obtaining of grace and glory. From these great benefits may be judg'd the importance of such a requital, especially when compar'd with the merit of human actions ; in regard to which, 'tis a treasure of inexhaustible riches, therefore the obligation of respect to the Church ought, with great reason, to be plac'd at the head of the duties of believers. Whoever aspires to the glorious name of a true christian, whether he be a subject, or a sovereign; ought to practise this duty, which is so light a burden, that no dignity whatsoever can exempt a man from bearing it. The traces of this respect may be found in the gross darkness of barbarous nations, which are observ'd to pay the greatest reverence to persons and things sacred ; the two species that constitute a Church. These few reflections may seem sufficient to decide the present question ; for if it be allow'd that the Church consists of places and persons, it
apparently

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apparently follows, that whoever violates either the one or the other, is guilty of injuring ecclesiastical freedom; which includes things, as well as persons, that are deem'd ecclesiastical. The knowledge which results only from such general topics, is that which is most pleasing to the court of Rome, who would confine our understanding to the single operation of conception, without permitting it to examine and distinguish between the different sorts of obligations, and the various ways of discharging them. Nevertheless, we shall continue as we began, by recurring to the distinction, by which, as by the pole star, we shall steer our course, not doubting but it will safely guide us to the port of true knowledge.

To prevent all manner of dispute, I lay it down for a principle, that whoever violates ecclesiastical liberty, whether in things or persons, belonging to the Church, deserves excommunication; for by such behaviour he acts in contradiction to the character of a christian, which obliges him to respect both the one and the other. I add, moreover, that this proposition takes in both the condition of a subject, and the high dignity of a prince; for the supremacy of the latter does not at all excuse, but rather adds to his obligation to protect the Church, in proportion to the abundant advantages with which God has been pleas'd to furnish him. Let these few words serve for the text, and we will now proceed to the commentary.

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First, let us inquire wherein the concerns of the Church consist. If I advance that the Church had its birth at the death of our Saviour, I believe no body will dare to contradict me. It arose like the bright moon at the setting of the sun of grace, to chase away the darkness of our minds; but the soul of man is not able to contemplate its splendor, nor his weak eyes to behold its dazzling rays, which light us in our slippery passage thro' this world, lest, by taking a false step, we slide into the bottomless pit of hell. The Church being born at that seasonable crisis, became the tender nurse of believers, and was supply'd by *Christ*, from that very moment, with the milk of the sacraments, whose virtues flow'd from our Redeemer's wounds. Then it was the Church had its beginning; and in order to promote the conversion of Jews and Gentiles with success, by mollifying the hard hearts of the former, and dispelling the darkness of the latter, *Christ* gave the Church apostles for her coadjutors, who were dispers'd over all parts of the world, to sow the seed of the word of God, which was follow'd with a wonderful harvest, for the field was water'd with the blood of the divine husbandman.

Such were then the concerns of the Church, being, as it were, the first blossom of this tender plant, which yielded such a fragrant smell, as was sufficient to revive the souls of those who were at the very gates of death. Now, I say, the concerns of the Church, as they

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were then, were the true concerns of the Church ; for it has been never brighter, never more pure than then, when being just sprinkled all over with the blood of *Christ*, and assisted by the virgin, the disciples and martyrs, it obtain'd grace from heaven in abundance : Then the Church had no other care nor view but to make known the divinity of *Christ*, the necessity and consummation of the redemption, and to administer the sacraments to those, who obey'd the gospel, in that purity in which they were instituted by *Christ* ; so that the Church then apply'd itself chiefly to these two things, the propagation of the faith, and the comfort of believers. Nor do I think that this will be disputed even by the creatures of the holy See. Therefore every other concern, with respect to the Church, is altogether foreign, if not spurious.

If therefore a prince, or private man, hinders the propagation of the faith, and the increase of believers, the one, as well as the other, deserves the severest punishment ; since by suppressing faith in *Christ*, they carry their wickedness to the highest pitch. The propagation of the faith is so much the duty of all christians, that whoever would be such in practice, as well as in profession, ought not to be afraid of death, but to lose the last drop of their blood, rather than commit a single action contrary to the faith. For *Christ* tells us, *Whosoever doth not own my name before men, I will not own him before my father.*

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If it be prov'd that a private person opposes the propagation of the faith, he ought to be not only excommunicated, but also corporally punish'd as a heretic, it being a contradiction to suppose that a person, who is sound and orthodox in his private opinion, would hinder another from embracing the faith.

As to princes guilty of this crime, whose high rank exempts them from corporal punishment, they ought, however, to be anathematiz'd and branded in the forehead, as perjurers, and deserters from the body of christians. But to say the truth, this, which is the first and principal concern of the Church, is very seldom attack'd, and has not yet fallen under the censure of excommunication; for the Popes have never fail'd to recommend the propagation of christianity with zeal, in order to engage princes to carry the faith to infidels, at the point of the sword, it being not enough to send it by the tongues of the preachers. But all such undertakings generally come to nought, and serve, at the most, to usher in a bull from the Pope. Thus some princes play the same game. They not only profess their obedience, but the most flaming zeal for those catholic expeditions. They offer their arms, their soldiers, and even their lives; but they only bluster with words, while their guns and trumpets are silent; so that the sincerity of so many fine promises is never brought to the touchstone. Consequently all our reflections on this main concern of the Church are altogether

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ther superfluous. For princes are well enough pleas'd with fair promises, because, in truth, they pay the same coin to others in the like case, it being out of fashion, in our days, to merit saintship by martyrdom.

As to the protection due to the faithful, we will adjourn the inquiry for the present, in order to consider the pretensions of the court of *Rome*, who would make us believe, that all the actions of the Pope tend either to command what ought to be done, or to decide whether the actions of others are consistent with the rule of protecting the faithful.

The interest of the court of *Rome* very much resembles leaven, the least quantity of which, in a measure of flour, immediately causes it to ferment, swell and increase. 'Tis the same with the Pope's universal power. The faithful are the last persons on whom he bestows ecclesiastical livings; nevertheless, this consequence is undoubtedly drawn from it, that every thing which the Pope does is in pursuance of that prerogative.

To make due provision, say they, for the clergy, all the faithful must be taught to respect and observe the ecclesiastical liberties, and not to meddle, by any means, in things relating to their estates, persons, and places, on pain of being punish'd. Nay, as if this were not enough, they go farther, and, without considering the absurdity of making circumstantials greater than the principal, assert, that in all cases where ecclesiastical estates, persons,
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and places, are admitted to be of the least concern, the accessary claim ought to supersede the principal. To give an example with respect to estates. If a layman, say they, be in possession of a piece of land, and the Church, or clergy, put in a claim to any part of it, the cause ought to be try'd in the bishop's court, and the civil courts must be silent, and not offer to support the reasons, which the layman is capable of giving, to defend his right of succession, or feoffment in trust; and if a lay judge presumes to interfere in the cause, he deserves, according to them, to be censur'd, as having violated ecclesiastical liberty. To give another Example, with respect to persons. If a clergyman makes an attempt upon the life, or honour, of a layman, as too often happens, they insist that the complaint be laid before the ordinary of the place, and that the injur'd layman acquiesce in his decision; and if he should find fault with it, they would not fail to exclaim against it as a breach of ecclesiastical liberty. If, for the sake of peace and good order, a prince should think fit to forbid the carrying of arms, and a clergyman should, notwithstanding, appear arm'd in public, he would plead his innocence of the crime of disobedience, and that if he were guilty, none but his bishop had a right to try him. If these ecclesiastics do not observe the common laws, either in buying or selling, if they pretend to be not oblig'd by the commands of the prince, and to be exempt from taxes and gabels, and

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from being convened before lay-tribunals, on refusing to pay their debts, who will presume to say their pretensions are groundless, or refuse to own them, since they immediately trump up the common outcry of an infringement of the ecclesiastical liberties ?

We will now give an instance, with respect to ecclesiastical places. Notwithstanding the regard which pious princes shew every day for Churches, a respect from which they never recede but in cases of the utmost necessity ; yet the court of *Rome* would have all convents, and prelates houses to be sanctuaries for the greatest villains. Thus they are for building those places on the top of *Olympus*, above the thunder of justice, and the orders of their sovereign, be they ever so advantageous to the public ; for, according to their maxims, nothing in society is preferable to the respect which they claim for ecclesiastical liberty ; so that if it should happen that a bastion could not be erected, for defence of a town, against an enemy, without violating that liberty, it were better to leave the town expos'd to the rage of the enemy, than to violate that liberty. Nay, they go farther, and say that all laymen, who are employ'd in a prelate's house, ought to be exempt from lay-jurisdiction. If a layman injures a clergyman, they pretend it belongs only to the clergy to be judges of it, and that if a man, or woman, are accus'd of adultery, according to their laws, they, the clergy, only ought to try them, and to judge

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judge of them *active* and *passive*. If an hospital, a school, or mount of piety, be erected, they will have them to be immediately subject to the bishop. In short, where the Church is concern'd for no more than a brass farthing, they immediately recur to ecclesiastical liberty, and say the prince has nothing to do in the matter. Now, after what has been said, I think I had reason to compare the interest of the clergy to leaven, a little of which leaveneth a whole lump of dough. This exorbitant interest is a colour for forming an ecclesiastical state within every civil state, when, upon any turn, the clergy will be ready to cry out of the infringement of their liberties. Let those, who have shoulders broad enough for such a burden, carry it.

I, for my own part, do assert, according to the distinction I before laid down, that if a private person, or even a prince, injure the Church, either in preventing the propagation of the faith, or in pretending to regulate the doctrine of *Christ*, in the dispensation of the sacraments, which are the ordinary nourishment of believers, whereby the soul is fortify'd in the true faith, and in the practice of good works; I say, whosoever does this, violates ecclesiastical liberty, in attacking the real interest of the Church, and consequently deserves her censure. And the said punishment would then be adequate to the offence; for 'tis not just that he, who, instead of serving the Church, does her all the injury in his

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power, should enjoy the benefits of the Church, which are purely spiritual; and 'tis no more than what right and reason require to cut off and separate such person from the body of the Church, who discovers himself to be a rotten member, and capable of infecting the rest. In the year 728, when the emperor *Leo* was prevail'd on by the suggestions of an apostate, to break to pieces all the sacred images in the square of *Constantinople*, Pope *Gregory III.* held a Council of *Italian* bishops in the *Vatican*, who made decrees for establishing the veneration due to images, and put that emperor under excommunication. I might here also mention the edict call'd the *Interim* of *Charles V.* who, for the satisfaction of those who dissented from the catholics, drew up such a regulation of the controverted articles, as pleas'd neither of the parties, and both anathematiz'd him; but the *Romanists* made least noise, because they had a singular respect for him. I add, that the same censure is justly applicable to any one who disturbs an ecclesiastic in the exercise of his functions: Thus, when the emperor *Frederic* set himself up for a judge to decide the schism between Pope *Alexander III.* and *Victor* the Anti-Pope, and *Alexander*, for many reasons, refus'd to appear before the emperor's tribunal; yet that prince, in *Alexander's* absence, gave sentence in favour of the Anti-Pope, and forbid *Alexander* to perform the pontifical functions; and what was the consequence? why truly,

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Alexander excommunicated the emperor; who, being frightened, fled, for the security of his person, to the city of *Venice*, and, imploring the assistance of the republic, they took arms, and restor'd him to his dignity; after which, he made his peace with the Church, and the *Venetians* had all the honour of it. For what relates to the injuries of ecclesiastical persons, I find in the history of Councils, which *Clotvis*, king of *France*, wrote to the Council of *Orleans*, that he and his would be obedient to the commands of the church and the Pope, particularly in not forcing the clergy to list in his troops. All such violations of personal liberty deserve excommunication as justly as violating the interests of the Church; for the freedom of her ministers, in the exercise of their functions, is one of her principal concerns. But the general pretence of the court of *Rome*, that all persons and estates, which are in any wise whatsoever depending on the Church, are therefore exempt from lay-jurisdiction, and that to touch them would be a violation of ecclesiastical liberty, tho' they are included in the distinction we establish'd above, is what a man must have the stomach of an ostrich to digest. Surely one would imagine they had forgot what they so often boast of, viz. that this ecclesiastical liberty, which takes in both estates and persons, owes its origin to the emperor *Constantin* the Great, in the time of Pope *St. Sylvester*; from whence it appears to be a favour granted by the secular power,
for

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for the greater honour of the Church ; so that 'tis the highest ingratitude to retort, what was only owing to the courtesy of princes, against their liberty. I do not mean by this, that I would have ecclesiastical liberty violated upon all occasions, much less in matters relating to the true interests of the Church, sacred places, or ecclesiastics in the exercise of their functions. But to pretend, that a prince is not a sovereign of his ecclesiastical subjects, is to abridge him of that authority which he derives immediately from God, nature, and the law of nations. Note, I intend only a free prince, who owns no superior authority in his government.

I find by the 20th chapter of the 25th session of the Council of *Trent*, that they spoke of princes with greater respect than the court of *Rome* have ever done on these occasions. This chapter, which was compos'd purely for defence of the ecclesiastical liberties, is somewhat long, but begins thus : *Cupiens sancta synodus, ecclesiasticam disciplinam a quibuscunq; impedimentis conservari, seculares principes admonendos esse censuit, jus suum ecclesie restituui, sed & subditos suos ad debitam erga clerum reverentiam revocatueros, nec permissuros ut officiales aut inferiores magistratus ecclesie & personarum ecclesiasticarum immunitatem violent : decrevit itaq; sacros canones in favorem ecclesiasticarum personarum libertatis ecclesie contra violatores esse observandos ; præterea admonet imperatorem, reges, respublicas, principes, ne ab ullis baronibus, domesticis,*

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micellis, rectoribus laici patiantur, sed severe in eos qui libertatem, immunitatem, atque jurisdictionem impediunt, animadvertant, imitantes anteriores optimos religiosissimos principes, qui res ecclesiae suae imprimis auctoritate ac munificentia auxerunt, nedum ab aliorum injuria vindicarunt.

i. e. The sacred synod being desirous that the ecclesiastical discipline should be secur'd from all impediments whatsoever, thought it convenient for secular princes to be admonish'd to restore the church to her rights, and to remind their subjects of the reverence due to the clergy, and not to permit the officials, or inferior magistrates, to violate the freedom of the Church and ecclesiastical persons. Therefore the said Council decreed several sacred canons, to be observ'd, in favour of such persons, against the violaters of the liberty of the Church. Moreover, the Council admonishes the emperor, kings, republics and princes, not to suffer the clergy to be injur'd by any lords of manors, rectors, or the like, but severely to animadvert upon such as violate their liberties, immunities, and jurisdiction, in imitation of those most religious princes, their ancestors, who defended the interests of the Church from the injury of others, as well as promoted the same by their authority and bounty.

I think the zeal of the Council for ecclesiastical liberty appears very plain in this canon, by their exhorting the secular princes to defend it, in imitation of the princes that liv'd in the primitive ages of christianity, who, at the same time

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time that they made it their business to enlarge the pale of the church, thought it equally their duty to defend her from injury. But I don't perceive that the excommunication of princes is so much as pretended throughout the whole history of that council ; so far from it, that if any differences happen, relating to the violation of ecclesiastical liberty, it refers the decision thereof to princes ; and instead of treating them as criminals, as the court of *Rome* sometimes does, calls them the protectors of that liberty.

Above all the different kinds of ecclesiastical liberty, the court of *Rome* is most jealous of the violation of these three, *viz.* persons, estates, and sacred places ; tho', in truth, they have not the last much at heart, being far more ready to forgive transgressors for an injury done to places, than to persons and estates.

As far as I can see, we have now sufficiently examin'd all that relates to the subject of ecclesiastical liberty, and shew'd, that the worst the laity can do, in prejudice of ecclesiastical liberty, is, 1. The hindring the propagation of the faith, and the meddling with the administration of the sacraments, and doctrines essential to salvation. 2. Molesting ecclesiastical persons in their ministerial functions. 3. Seizing the estates of ecclesiastics for the conveniency, or pleasure of the prince.

And

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And lastly, The offering contempt to sacred places, when the same may be avoided.

I believe there is no christian prince but would value himself for not taking those steps, that might involve him in the guilt of the things which I have condemn'd ; and if he acts otherwise, I own I am of opinion that he deserves the censures of the Church. We will now take to pieces all the other pretensions of the court of *Rome*, who finding it impossible to establish an universal monarchy in temporals, would, at least, curtail the authority of secular princes, as far as lies in their power.

C H A P. VIII.

Whether the possession of temporalities, belonging to the Church, is not of divine right ?

I Am persuaded, that by the proposing of this question, I may be said, once in my life, to have given into the meaning of the court of *Rome*. Others perhaps will think it wrong stated ; but that court, instead of being of their opinion, will think it a necessary dispute, because it gives them a handle for determining it by a positive decree. But since it is no difficult matter to resolve a question, whose

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whose very foundation is dubious, I fear, tho' we might seem perfectly agreed at the first, it will not hold long; and that we shall clash again as soon as the question is decided in the negative.

The court of *Rome* being concern'd to procure all possible sanction to the Church's possession of temporalities, has, for some time past, labour'd to persuade mankind that such possession is of divine right; but 'tis so far from being true, that whoever should offer to maintain it, would expose himself for a mere *ignominium*, by calling in question a matter which has been clearly determin'd long ago. It being, however, necessary, in some measure, to suit ones self to the temper of a patient, in order to compass the chief end, the recovery of his health; we will, therefore, for once, allow it to be a disputable point, that we may have the opportunity of deciding it in such a manner, that it shall not be so much as question'd hereafter; otherwise 'tis well known the court of *Rome* will always think themselves at liberty to improve their pretensions on this score. We will examine the question both as to law and fact.

Whoever is willing to be guided in this matter by the Scriptures, will there find that the children of *Israel* were divided into twelve tribes. God promis'd this people, in the person of *Abraham*, that happy country, which was afterwards call'd *The Land of Promise*,
according

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according to the promise which God made to *Abraham*. After *Joshua* had made himself master of it, 'twas divided. Now all the people fought to conquer it, yet 'twas divided among eleven of the tribes only ; that of *Levi*, consisting of all the priests and ministers of the temple, being excluded, which the sacred scriptures express in these terms: *The lord hath given no inheritance to the tribe of Levi, because the Lord God of Israel is their inheritance, as he hath said unto them.* From whence God would give us to understand, that those who are dedicated to the service of his altar, ought, without embarrassing themselves with possessions, to depend on providence alone for their maintenance, and to stick entirely to the work of the ministry ; and that the laity should take pains to supply the necessities of the clergy, because they stand continually as a wall of separation betwixt the sins of the people and the wrath of God. *I sought a man to stand as a hedge between me and the earth, that I might not destroy it.* King *Hezekiah*, who well understood the will of God, knowing it was impossible for the mind of man, while embarrassed with the management of temporal affairs, to be duly intent upon the functions of the priesthood, took away their estates ; but to reward them with interest, commanded the laity, at the same time, to pay the clergy the tithes of all they had. For it was but reasonable, that while the one were wholly employed

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ploy'd in the service of God, instructing the people in the law, and praying for their sins, the others should reward them with the sweat of their brows, not only in furnishing them with their daily bread, but also in giving them every tenth year the entire harvest of their lands for their maintenance. This cannot be reckon'd poverty, but rather wealth without inheritance, profit without pains. *He that serveth at the altar, ought to live by the altar, as having nothing, and possessing all things.* If the tribe of *Levi* had been admitted to a share with the other tribes, they would have had but one twelfth part of the land; whereas, by being excluded, they had a right to a tenth part. In a word, by this means the clergy render'd the most frightful monster in the world agreeable, a monster which was worse than all others, inasmuch as the sight of other monsters was a satisfaction of curiosity; but this has been abhorred and avoided at all times and places. The reader will perceive, by this description, that I mean *Poverty*, of all monsters the most monstrous. *Inter monstra monstrosior egestas.* The laity think it a scandal, but the clergy their honour; and he comes nearest the character of a true clergyman, according to them, who is in the state of the greatest poverty; for things are always the more valuable, the nearer they come up to their original production or institution, otherwise we cannot but esteem them degenerated, and as fruits out of season,
which

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which have the same colour indeed as others, but not so good a taste.

In the law of grace, *Jesus Christ* speaks still more plainly, *Take no thought of what ye shall eat, or wherewith ye shall be cloathed, for your heavenly father knoweth what ye have need of. Care not then for the morrow; but seek ye first the kingdom of God, and all these things shall be ministred unto you.* And in another place, *Bear no bag, neither scrip, nor shoes.* Again, he ask'd the disciples, *When I sent you without bag and scrip, lacked ye any thing?* This is the very essence of the priesthood, to lay aside earthly affections, and to throw off the things of this world, in order to have a greater portion in heaven. While the Church was poor, it was fear'd, reverenc'd, and, in a word, always assisted by the holy spirit, which far exceeded all human force. In the very same manner, the *Israelites*, while they were in the desert, without possessions, without water, or even pasture, found the almighty power of God ready to supply their wants, by raining down *manna* upon their camp, and sending them water out of the rock; but as soon as ever they had pass'd *Jordan*, and saw themselves masters of the land of promise, where they reap'd without the labour of sowing, Providence seem'd suspended as to them, or, at least, more conceal'd; for no more *manna* came down from heaven, nor did rivers gush any more out of the rocks by the touch of a rod. *I am*

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a jealous God, saith the lord. Whoever trusts solely to human industry, does in some measure set limits to God's power and providence. A beggar intreating *St. Peter*, one day, to give him but a penny by way of alms; he said, *Silver and gold have I none; but such as I have, that I give unto thee*; that is to say, he bless'd him in the name of God.

In the primitive age of the Church, a person could not be admitted into the number of apostles, without first selling all his possessions; for riches stick like glue to the wings of the soul, and hinder it from mounting aloft; and they are like a * stone, which hangs as a dead weight to the body, and drags it upon the ground, when it has a desire to ascend heavenward. The *Greek Church*, which was always poor, has suffer'd far less scandals than the *Latin Church*, which has given birth to above a hundred arch-heretics, who have rashly pretended to teach doctrines purer than those of their Church. You never heard of a broacher of new doctrines, but was either rich, or, at least, had a competency; for men of this kidney never breed under the discouragements of poverty; therefore the *Greek Church* has not produc'd one since the first schism. Besides, the
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* A conceit taken from the emblems of *Alciat*, in which a christian soul is represented under the figure of a young man, who, with one hand, which has wings, points towards heaven, while a great stone, ty'd to the other hand, drags him downward.

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keeping of the clergy in a state of absolute dependence on the laity for their maintenance, is attended with these two advantages; first, in that it obliges them to be always watchful of their conduct, and to set good examples to the laity, for fear of losing their subsistence; secondly, it excites compassion in the laity to use their utmost efforts to relieve the necessities of the clergy. On the contrary, when they are not only provided with necessaries, but even with superfluities, they are quite indifferent what others may think of them, from whom they have no advantage to hope for, nor no evil to fear. *Judas*, the caterer and purse-bearer of the apostolical College, is a glaring instance of the mischievous influence which money may have upon the soul of an ecclesiastic, since it made an apostle himself turn traitor. *Jesus Christ* foreseeing, by his divinity, what an end *Judas* would come to, gave him the management of money, either because nothing worse could happen to him, or else to keep the same temptation from falling in the way of the other disciples, who were elected. The first time *Judas* murmured, was when *Mary Magdalen* poured costly ointment on the head of *Jesus Christ*. He would fain have had it sold, and put the money in his pocket; but he conceal'd his avarice under the specious pretence of charity to the poor. *To what purpose, says he, is this waste? It might have been sold for three hun-*

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dred pence and given to the poor. But the Evangelist adds, *That he said this, not that he cared for the poor, but because he was a thief, and had the bag, and bare what was put therein.* On the other hand, St. Matthew was a *Publican*, that is to say, an *Usurer*; but by his renouncing the management of money; he became a pious apostle, and one of the Evangelists; whereas *Judas*, who had nothing that he could call his own, by managing the treasure of *Jesus Christ*, became such an ungodly traitor, that he sold his Lord and Master for a sum of money. There's not one of a thousand, in the whole army of saints, which the Church has produc'd ever since its infancy, but has found entrance into heaven by the gate of poverty. The very *Pagans* were convinc'd how incompatible riches are with the tranquillity of the mind; and *Seneca* laid it down as a maxim, *Si vis vacare animo, aut pauper sis, aut pauperi similis.* In short, the possession of temporalities is so far from being of divine right that 'tis inconsistent with the very beginning, progress, and end of the Church. Every christian, and a clergyman more than any other, is oblig'd to regulate his life according to that of *Jesus Christ*, who never had any provision of temporalities for his subsistence, that we any where read of. On the contrary, we find that *Mary Magdalen*, her sister, and some other devout women follow'd him, and ministr'd unto him in his necessities. Indeed his almighty power

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power did not want the assistance of human industry, for in a case of extremity he could have work'd a miracle ; but we no where read that he ever did so for his own sake or service. We read, that when he had fasted, and was an hungred, the devil tempted him to command the stones to be made bread, but he would not do it. Let it not be suggested, that he was not liable, by virtue of his divinity, to the evils of poverty ; for sin excepted, he was subject, like us, to all the infirmities of human nature. Neither do we read that he exerted his almighty power in creating any thing out of nothing, that being an attribute which, it seems, he was willing to reserve to his father, contenting himself only with the multiplication of beings, or transforming them : Thus he multiply'd the loaves and the few small fishes, for feeding the multitude, that followed him, and turn'd water into wine at the marriage of *Cana*. In a word, he made so little use of his almighty power, that his disciples were sometimes reduc'd to such necessity, that *they pluck'd the ears of corn, and did eat, rubbing them in their hands*. And our Saviour, before he ascended into heaven, commanded them *to eat of every thing that was set before them, without providing for themselves*. Certainly all these operations were not the effect of chance without a mystery, for *Christ* was not govern'd by chance ; the view of all his actions being for our instruction, and we

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ought to strive to imitate him, after the example of the apostles.

Some perhaps may upbraid me with preaching up a doctrine which I do not practise myself, because I wear the habit of an order which is possess'd of a great estate ; I own the truth of the charge in part, but hope, as to my self, that I should be a brother of the order, if my convent had no endowment at all. 'Tis not my business to deprive my order of its possessions; and tho' it were reduc'd even to its ancient poverty, it must be confess'd it would signify very little towards a general reform, since the many other orders would certainly refuse to come into it. After riches crept into the Church of *Christ*, they were so generally valu'd, that the Council of *Trent* pass'd a decree for excusing all friers from the vow of poverty, without so much as excepting those who had a mind to be excepted ; for, it seems, the monks were not esteem'd by the common people, if they did not appear to live at their ease, and the Council was not willing that the wealth of some should be tacitly reproach'd by the poverty of others. For the same reason the court of *Rome* often complains of *the general coldness of charity, and want of respect among believers* ; unhappy dispositions, which, say they, cannot be corrected but by deceiving the senses, which only judge of what strikes them ; from whence they infer, that worldly grandeur is a necessa-

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ry expedient to impress men with that respect and reverence, which, because of their corruption, cannot possibly arise from the consideration of heavenly treasure. Thus as the Church piously makes use of images of the deity, to promote the worship of God, whom no pencil, nor chizzel, can express, nor no ideas comprehend ; so, in order to make ministers pass for great men, 'tis proper to represent them to the eyes of the vulgar in the dazzling splendor of riches. That is the expedient which the *Romanists* have thought fit to make use of. We will not inquire whether it be good, because all expedients being consider'd only as trials of skill, to make a thing succeed, one does not expect them to be as equitable as a law. Now, since no expedient, properly so call'd, amounts to the force of a human law, much less does it come up to that of a divine law ; the observation whereof is unalterable, and absolutely necessary ; not from any law of state, but from the equity of the thing in nature. Thus the court of *Rome* carry a mark of that guilt in their foreheads, which they charge upon their enemies, I mean the crime of subjecting the government of God's Church to maxims that are meerly human ; mean time, can any thing be more contrary and opposite than God and the world, spirit and flesh ? *My ways are not as your ways. The wisdom of this world is foolishness with God, who taketh the wise in their own craftiness.* Finally, 'tis certain that

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a man is known by his conversation. From whence it follows, that if we have recourse to such human means, we shew plainly that the spirit of God is not in us; for divine wisdom says, *Trust in the lord with all thy heart, and lean not unto thy own wisdom.* He who founded the Church has promis'd to preserve it. *Behold I am with you unto the end of the world.* Let us not pretend to find out means which Christ has not taught, lest we be deceiv'd by trusting too much to our selves, as men ensnar'd by the words of their own mouths, and taken by their own sayings. In fine, if a person of acute parts should seek for reasons to prove that the possession of temporalities is compatible with the priesthood, I doubt not of his success; but he will never be able to prove that possession to be necessary, much less to be injoin'd as necessary in the law of God. From hence it follows, that the Church has no title to the possession of kingdoms, nor of any secular power; for if she may not possess the estates of private persons, much less may she enjoy the patrimony of a prince. Whoever reads the gospel will find, that nothing, next to sin, was more abhor'd by Christ than royalty. He therein expressly declares, *My kingdom is not of this world; if my kingdom were of this world, then would my servants fight, that I should not be deliver'd to the Jews.* And as soon as the people that follow'd him would have made him a king, he fled. Indeed he was slander'd by the

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Pharisees for taking upon him the title of king; but that was pure calumny; and so far was he from owning the regal dignity, that he submitted himself to be judg'd by the Roman Prætor; *They deliver'd him up to an unjust judge.* And when Pilate ask'd him, *Art thou a king then?* Jesus answer'd, *Thou sayest that I am a king.* Again, when they hailed him with the title of king, and Pilate said, *Shall I crucify your king?* and when they set up the inscription of KING OF THE JEWS upon the cross; all this was done by way of scorn and derision. On the other hand, he was declar'd a king by the prophet many ages before. *Behold thy king cometh unto thee poor, and riding upon an ass, and upon a colt, the foal of an ass.* And the wise men sought him, saying, *Where is he that is born king of the Jews?* how shall we reconcile such contradictory texts of scripture? with this one passage only, *Be lift up ye everlasting gates, and the king of glory shall come in.* This imports that our Lord Christ is king indeed, but king of an everlasting kingdom; and in this quality he was acknowledg'd by the prophets, the wise men, and those souls that had a triumphant entrance with him into heaven; and he explains it himself in these terms, *My kingdom is not of this world;* by which he does not deny his being a king, but says only that he was not a king of this world. *The prince of this world hath not any thing in me.*

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He therefore who pretends to be *Christ's* vicegerent upon earth, ought to be like him, in aspiring to the kingdom of glory, and to abhor all temporal sovereignty to that degree, that it may be said of him as of *Christ*, he *takes upon him the form of a servant*. In short, they ought to hate it as much as the ancient Popes, whose title was, *Bishop, servant of the servants of God*. But forasmuch as the mind of man is incapable of raising itself to those sublime speculations, this seems to me a very sufficient reason. Our Lord *Christ* constituted *Peter* and the apostles the first founders of the Church, and furnish'd them with all gifts necessary for the building of it. Therefore he would, with very good reason, be deem'd a heretic, that should dare to say our Lord let them want the necessary means for advancing and supporting the Church. Let us see then what talents, what prerogatives were to be found in the ancient Popes ; for as they were establish'd by the infallible spirit, they will be a rule to us for distinguishing the necessary characteristics of true Popes. Now I do not find that they were either rich, or ambitious of principalities or kingdoms ; on the contrary, I observe they were poor holy men, who mortify'd themselves by the renouncing of all worldly wealth, and many times sacrificed their lives for the faith of our Lord *Christ*. 'Tis to no purpose to urge that now the times are chang'd, that the Church is at rest, since the

martyrs

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martyrs have glutted the cruelty of the tyrants, insomuch, that many times the very executioners, tho' in the dark state of paganism, have stood in admiration at the constancy of the christians, and acknowledg'd this was owing to a power not human, but divine; and while their hands have been yet reeking with the blood of the martyrs, have submitted themselves to martyrdom, for the confession of *Jesus Christ*: Since those times (some will say perhaps) when the flower of faith was sufficiently sprinkled by the blood of the martyrs; such apostolical poverty has ceased to be necessary. 'Tis sufficient that every good catholic be persuaded that the Church's possession of Lands, or acquisition of treasure, dominions, and kingdoms, are not essential to prelates or Popes; for there has been a Church with prelates and Popes, perhaps more holy than the present, who did not enjoy these temporal prerogatives. 'Tis pretty remarkable that *Moses*, tho' God lov'd him so well that he appointed him the deliverer of his people, and made him the depositary of his almighty power, to confound *Pharoah*, and to keep the rebellious *Israelites* from disobedience, yet he would not have him to be a priest; and when there was a necessity for one, God singled out his brother *Aaron* for the priesthood; plainly intimating, that the mitre and the sword, the cross and the scepter, were incompatible. Yet he was not a whit the less favourable in the
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sight of God ; for the scripture says, *Moses* died according to the word of the Lord, and that when he was alive, God admitted him to such familiarity, that he spoke with him face to face. In a word, the Lord made him a prophet, but not a priest ; for the gift of prophecy is separate from the priesthood ; and the priesthood would have as ill become *Moses*, as the gift of prophecy would become him that represents the person of a sovereign. *Moses* loved *Aaron* nevertheless ; for one day their wives being at variance, *Moses* curs'd his sister-in-law ; who being thereupon immediately cover'd with a leprosy, *Aaron* had recourse to *Moses* to cure her ; upon which he pray'd, and she was presently heal'd. All these privileges he enjoy'd without being a priest, for reasons already mention'd. *David* was so entirely belov'd by God, that he says of him, *I have found a man after my own heart* ; therefore, of a shepherd, he made him a king, gave him victory in forty battles, protected him from the strength of the giant, and the persecution of *Saul*, gave him the spirit of prophecy, sanctify'd him thro' repentance, and reveal'd such divine *Arcana's* to him, that whatever he wrote was the voice of the holy spirit. More than all this, *Jesus Christ* stil'd himself the son of *David* ; yet, with all these advantages, *David* was not a priest, because it was absolutely necessary for the people to have a good king, and a better could not be found
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than *David* in any other line ; and I am firmly persuaded, that if a priest might have been king at the same time, no body in the world was more worthy than *David* of both those qualities ; but God would not have it so, either for our instruction, or not to expose him to the danger of such a strong temptation.

We conclude, therefore, that the enjoyment of temporal estates, dominions, and kingdoms, by a Pope, is foreign to the pontificat, and is like depositing a standard, and some cannon bullets in a Church, which indeed shew the devotion of the donor, but have no relation at all to the Church ; and if they are taken from the Church, she loses nothing by the bargain. So, we say, that the possession of those estates has no manner of relation to the proper interests of the Church ; so that every one may dispute her right and title to such possession, without violating the least punctilio of respect due to the Pope ; for a man is no more a Pope with the possession of such estates and sovereignties, than he is without any the least marks of sovereignty ; which was the case of the Popes for a long series of ages past. This being sufficient, we proceed to another question.

CHAP.

C H A P. IX.

Whether a republic, as well as a free prince, may be depriv'd of their dominions by virtue of excommunication ?

TH E decision of this question, in a strict sense, must be own'd to be very unnecessary ; since it was sufficiently prov'd in the 5th Chapter, that a free prince cannot in right be depriv'd of his dominions under pretence of excommunication ; from whence it follows, that such deprivation can, with far less colour of reason, be denounc'd against a republic ; for 'tis a maxim with the court of *Rome* never to excommunicate an entire city, much less several cities and countries, which are generally comprehended in a republic. But in a case of contumacy, the Pope uses to publish an interdict, which is a punishment far less than excommunication, as shall be shewn by and by ; so that since it has been prov'd that 'tis unjust to add the deprivation of estates to another punishment that is more severe, it would certainly be much more unreasonable to add it to a punishment that is not equal to it ; from whence it follows, as a known truth, that when the partisans of the court of *Rome*

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are agreed, that, according to our first proposition, a free prince cannot lawfully be depriv'd of his own dominions, they will be oblig'd, with much more reason, to own the same thing with respect to a free republic; but 'tis in vain to expect they will ever be so candid as to make this fair concession; for, let a maxim be never so reasonable, they will not yield to the force of it, if it carries the least disadvantage in it to the papal authority; inso-much, that even tho' a truth should be demonstrated to them mathematically, they would, at least, raise objections against it, if not pretend to confute it. For this reason I was oblig'd to add this question here, for the abundant consolation of all sincere minds, to let them see, as I have already said, that not a free prince, and much less a republic, can be legally depriv'd of their dominions, by virtue of excommunication.

Before we proceed, let us state the difference between excommunication and an interdict. Excommunication, as has been already said, is the cutting off, by which an ecclesiastical judge separates a christian from the whole body of the Church, by reason of a pretended crime: Now, the consequence of this separation is, that the person who is excommunicate is debarr'd from receiving the sacraments, and cannot apply to himself the merits of the head and members of the Church; so that he is look'd upon as a *Pagan* and a *Publican*. Indeed

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deed excommunication does not strip him of faith, that being an act of the soul, but deprives him of the fruits of faith. From hence, therefore, I infer, that excommunication is the worst curse that can be denounc'd against one who confesses *Christ Jesus*, and that 'tis, in short, the *ne plus ultra* of the Church's power to punish offenders.

On the other hand, an interdict is no more than a rod, which the Church makes use of rather to terrify than punish a rebellious sinner, in order to make him return to himself, and has, for its view, the correction of such criminals, and not their destruction, either in this mortal life, or that which is to endure for ever ; for a christian's being under an interdict, is no bar to his salvation, since the Church, all the while, does not deny him baptism, nor confirmation, nor confession, nor marriage on certain licensed days, nor the conversation of the faithful, nor the communion at the hour of death, nor preaching, nor the recommendation of his soul, nor even the sacrifice of the mass on certain days of the year. Indeed 'tis his very great unhappiness to be depriv'd of the daily mass, of extreme unction, of christian burial, and of priest's ordination ; because he can have no part in the oblation of that living sacrifice, which reconciles God the Father to wretched sinners, nor nourish himself, in this life, with the bread of heaven, that carries with it all the heavenly graces, and

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and all the riches of the deity ; nor fortify himself with extreme unction, which is the sacrament of departing souls, for his passage from the present life to eternity. And, finally, 'tis no small grief to him that he is depriv'd of the consolation of having his bones laid to rest in the sacred coemetry of christians, as in the bosom of our common mother ; but, however, the other sacraments, which are free for him to make use of, are, even according to the opinion of the *Romish* casuists, sufficient helps to conduct a man to the possession of everlasting happiness. To render this difference more visible, I shall give this familiar example : 'Tis the very same case with excommunications and interdicts as it is with the monks, who absolutely expel from their convent a subject who is rebellious and convicted of any great crime ; but only impose certain penances on one who is guilty of a small fault, without depriving him of the common privileges of the fraternity. I do not speak here of the sacraments of marriage and ordination, which are forbid to a person who is under an interdict ; because, tho' both those sacraments ought to co-operate to the benefit and salvation of believers ; yet when abus'd, as sometimes they are, they tend to a person's ruin and destruction ; therefore, I do not look upon them as absolutely necessary to salvation. This is enough to shew the difference there is between the two ecclesiastical punishments, and that an in-

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terdict is a very slight punishment in comparison of excommunication. The consequence therefore is very fair and plain, whether it be granted, or not, by the *Romanists*, that since a free prince cannot be depriv'd of his dominions by excommunication, an interdict can by no means subject him to such deprivation at the same time; for as the addition of that clause to all excommunications is irregular, it would be still worse to tack it to an interdict, which is a punishment far inferior even to the minor excommunication. I am apt to think there is no logician upon earth but will draw the same consequence, and that enough has been said to convince scrupulous consciences how absurd it would be for an ecclesiastical judge to inflict temporal punishment for a spiritual crime, supposing no other reason for it than the enormity of such crime, at the same time that he inflicts a spiritual punishment severe enough for the greatest of crimes. And from hence it may be clearly infer'd, even according to the maxims of the See of *Rome*, that whoever falls under an interdict, has no reason to fear being depriv'd of his dominions.

Now we will consider what reason the court of *Rome* has for not excommunicating a city or republic, as well as a free prince. How flagrant soever be the crime and disobedience of a republic, all the wit of man can only judge of the fact by appearance, tho' there should

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not be the least doubt of the real offender. 'Tis very well known that a republic is a political body, constituted of many members, which is not govern'd after the manner of human bodies, whose members seem generally different in their particular operations, tho' they act all upon one and the same principle and method of operation. Among the aphorisms of *Hippocrates*, this is one: " 'Tis the same thing to draw blood from one vein as from another, because it may be said of them all, *Consensus unus & conspiratio una*." The same form of government holds in a free state, in which there are various Councils; but they all receive motion from the will of the sovereign, who, like a heart to the body, diffuses spirits, blood, and such other alterations as are suitable to his own disposition. But the model of a republic is different, because every member, which makes a part of that body, has its operations independent on the sentiments of the other parts; and every one of them may be consider'd distinctly as a microcosm of the whole sphere, of which he is really but a part. Tho' one citizen, or subject, may have more power, or parts, than another, it does not follow that he has a right to compel the other, whether he will or no, to be of his own opinion. He may indeed do what he can to persuade him, but must use no violence; for if he should proceed to extremity, he would, by so doing, subvert the order of

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government, and introduce insupportable tyranny. If any resolutions, pass'd in a senate, are so far disobedient to the Church as to deserve her censures, it will be no easy matter to distinguish which of the senators voted for the affirmative; and shall therefore the whole senate be excommunicated in the lump? This would be to involve the innocent with the guilty, since it may happen that some of the members never voted their way. But to avoid this extreme, *Christ* has told us, that it is better to pardon a hundred criminals than to punish one innocent person; and the Church, which knows how much she is oblig'd to imitate that divine master, dispenses with excommunication, which is the extremest degree of punishment, and has recourse only to an interdict, which, tho' it takes in all republicans, cannot be reckon'd for a destructive remediless punishment, because it carries along with it a corrective; for as we have already shewn, an interdict does not deprive believers of those helps that are necessary to their salvation.

It may be objected, perhaps, that when there is a certainty that such resolution of a senate is pass'd by the unanimous votes of all the members, excommunication would, in such a case, be denounc'd with justice against the said senate, as supposing all the members were delinquent; but I answer, this reason will not hold with respect to the rest of the subjects of such republic, because 'tis impossible for all

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of them to be senators, who, according to the practice of all the republics in the world, are only a number of the best subjects, chosen out of the whole. But admitting that a resolution was form'd by the concurrence of all the subjects, yet, as they have no share in the administration, so they can have no share of the guilt of it; and consequently, when a whole republic is excommunicated, it would be absolutely impossible for the innocent to escape being punish'd with the guilty, and the former might chance also to be the greater number.

If the republic happen to be a democracy, 'tis certain the commonalty cannot be responsible for the actions of those magistrates, or senators, whom they have instituted, or deputed; and it is a mere jest to say, that the commonalty, in such a case, are oblig'd to chuse, or constitute other magistrates, or senators, better dispos'd, in order to repair the contumacy, or other misconduct of the former, and that if the commonalty refuse so to constitute new ones, they incur the guilt of their deputy's misbehaviour. This pretence, I say, is not to be allow'd, because the commonalty having deputed, or chose the senators, or magistrates, with a view, as 'tis suppos'd, only to the public weal, and the good government of the state; 'tis not the fault of those that deputed them, if matters do not succeed accordingly, and the electors ought still to be well thought of; since, by the same argument, if a doctor

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be chose physician to an hospital, and all the patients should happen to die under his hands, those who deputed him would be to blame for it, tho', when they elected him, they had all the moral certainty, that could be, of his sufficiency. Another reason still, which secures the commonalty from being responsible for the faults of their magistrates, is this: That by appointing a senate, or magistrates, and vesting the authority in their hands, they shut themselves entirely out of the secret; so that not knowing the causes which determine the senate, or magistrates, to form such or such resolutions, they have no plea to condemn, or degrade them, and annul their decrees.

From all this it may be concluded, that tho' what I have demonstrated to be true were absolutely false, and that a free prince might be depriv'd of his dominions by virtue of excommunication, yet a republic cannot run that risk, because the same is never excommunicated *de facto*, nor can it be ever *de jure*, the court of *Rome* themselves being conscious of their indispensable obligation not to confound the innocent with the guilty. Moreover, since it may fall out there will be some persons whose innocence alone may protect them from ecclesiastical excommunication, it will be always allowable for every private person, in case he be excommunicated, to examine strictly whether he is innocent or guilty, in order to see whether his excommunication be justly founded;

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for if it be not, he will, by that means alone, be safe from all the consequences of the excommunication ; which being unjust, cannot possibly subsist, according to one of our maxims, laid down in another part of this discourse, and which we shall more and more confirm hereafter.

Now the consequence of all this is, that 'tis not an article of faith to believe that every excommunication is valid, because it makes a great noise, before it has pass'd the touchstone of a severe examination ; since, as I have said elsewhere, excommunication being only the effect of human judgment, and by consequence subject to fallacy and delusion, if the judge has actually given into such delusion, it would be a wicked thing to suppose that God would approve of the mistake of oppressing one who is guilty only in appearance. Therefore, to prevent such delusion, 'tis not only lawful to examine, but also an appeal is allowable to make this examination in order, and canonically, as the true touchstone, that can shew us the truth or falshood of such sentences.

C H A P. X.

Whether a secular prince has a lawful right to receive the clergy's tenths, and to order what is useful to the state, with respect to the estates and persons of ecclesiastics?

BEFORE I proceed to the particular examination of the clergy's tenths, I would have us make some general reflections upon the right that secular princes have to exact the tenths of the estates of their lay-subjects, and to impose on them taxes, gabels, subsidies, tolls, &c. And before we enter into these considerations, we ought to inquire how far a subject is oblig'd in conscience to obey his prince, and whether he sins by disobedience.

The first precept of the second table of the decalogue is to honour our father and mother. Now there is not a catholic expositor upon earth, but, by the words father and mother, understands and includes the spiritual and temporal nobility in such a sense, that a man is oblig'd, by the divine law, to honour his legal father, that is to say, his prince, or his prelate, as much as his carnal father, from whom he derives his birth; unless it should be objected, that the ten commandments are not universal, and that he,
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who has not a father by blood alive, is only oblig'd to the observation of nine. But there is no body who has not either a father, or superior, in some sense or other: In this case, every patient is inferior to his physician, every layman to his master; and even a prince, who has no superior *in humanis*, has his superior among the ecclesiastics. In short, the Pope, who has no superior in dignity, has his superior in some special cases, when, as a sinner, he makes confession to another, who, during his function, is more a Pope than himself. Our Lord *Christ* also, as man, had parents, on whom he depended, who were consequently his superiors; and when the virgin *Mary* found him, after tedious search, she said unto him, *Son, why hast thou thus dealt with us? behold thy father and I have sought thee sorrowing.* She did not speak this by way of hyperbole, for she very well knew the divinity of her son, both by the revelation of the angel, and the inspiration of the Holy Ghost; but she spoke after this manner, because *Joseph* was his father by adoption, as God was by nature; moreover, the Evangelist adds, *he was subject unto them.* Formerly, a father by adoption had such authority over his adopted son, that he had a right to punish him, when he offended, as much as if he had been his own natural son. Therefore this necessity of subjection, or subordination, from which no person whatsoever is exempt, forms a kind of hierarchy, which leads

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leads us to the apprehension and acknowledgment of the necessity of a first principal of all things that are in the world. Thus *Dionysius the Areopagite*, before he was enlightned by faith, said as much as it was possible for man, guided by natural reason alone, to say, *Causa causarum miserere mei ! i. e. O cause of causes have mercy on me !* Afterwards, when he had the good fortune to be instructed by *St. Paul*, with whom he disputed, he profess'd christianity, became the apostle of the *Gauls*, and was esteem'd one of the chief saints of the catholic Church.

It was therefore necessary to make this digression, to shew that every body, from the lowest, even to the highest, has a superior in some sense or other ; a consideration, which, by endless progression, brings us to the pillars of that divine *Hercules*, where is the *non plus ultra* of superiority and grandeur. Now, since every one has superiors, and that he is oblig'd to obey those superiors by the express command of God, it follows, by consequence, that every one ought, by virtue of the same divine command, to pay obedience to his prince. *Fear thou the Lord and the king*, says *Solomon* ; where, tho' he places the king in the second rank, he seems to mean, that the obligation of obedience to God and the king is in some sort equal. This is what I think all are agreed in ; but if I should go about to extend the obligation of *fearing and honouring* to
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that of *contributing*, I apprehend that I should meet with some who would not be so ready to give into my opinion : Yet they are synonymous terms in the law of God. 'Tis said in the *Proverbs*, *Honour the Lord with thy substance* ; which sort of honour consists in paying tribute or imposts ; for to honour another with one's substance, can mean nothing else than giving him a part thereof.

To pass from the text to the explication of it. We say, that a prince is oblig'd, by divine authority, to defend his dominions, to protect his subjects, to procure them provisions, to guard them against contagions, malefactors, and public enemies, and to do them so many other offices, that a great man, who perfectly knew the heavy weight of government, said, if ever he should happen to find a crown in his way, he would not so much as stoop to take it up from the ground. This being the case, 'tis but reasonable that the prince should be rewarded for all his fatigue, and that for this end, he should have the means in his own hands for obliging his subjects to grant him a supply towards his expences ; which means are taxes, tenths, and various sorts of imposts, which he has the power of raising. 'Tis well known that the treasury resembles the spleen, which is nourish'd with a part of the aliment of the other members, and which, while it is in a certain state of mediocrity, preserves the body in health. Therefore 'tis equally

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ly criminal in the subjects, to refuse paying the prince moderate imposts, and in the prince, not to take care of the people under his government: Thus, when the night closes the eyelids of mankind to sleep, the heavens open millions of eyes upon them, as it were to watch for their preservation; so that we may say, *astra regunt homines*, with the poet, *et etiam curant*.

This right of sovereigns to levy tenths, and other imposts, on their subjects, both for an acknowledgment of his sovereignty, and defraying the expences of his government, is so lawful and universal, that even infidel princes are not excluded from it; so that christians, who happen to be born in the *Turkish* dominions, are oblig'd in conscience, as long as they live there, to discharge all the duties of their dependence. *Principi populi tui non maledices*; for if we were not oblig'd to this acknowledgment by the bonds of faith, yet those of society demand it; and 'tis, moreover, decided by the canons, that we ought to place an infidel in the rank of our neighbour, because he is capable of being a partaker of the benefits of our Saviour's redemption, if he will obey the gospel. This is what *Jesus Christ* design'd also as a lesson for us, who, when a certain lawyer ask'd him, *Master, what shall I do to inherit eternal life?* the sum of his answer was, *Love God and thy neighbour*. To which the lawyer demanding, *Who is my neighbour?* *Je-*
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Jesus told him the story of that inhabitant of *Jerusalem*, viz. one that liv'd after the law of *Moses*, who falling among thieves, was stript of his raiment, and so wounded, that they left him half dead : But by chance there came down a certain priest of the law that way, and when he saw him, he pass'd by on the other side : And likewise a levite, i. e. a minister of the temple, when he was at the place, came and look'd on him, and pass'd by on the other side ; but a certain *Samaritan*, one who profess'd another religion, as he journeyed, came where he was, and when he saw him, he had compassion on him, and went to him, bound up his wounds, carry'd him to an inn, and paid the host for his cure. Now, says *Jesus Christ* to the lawyer, *which of these three, thinkest thou, was neighbour unto him that fell among the thieves ?* why, he did not scruple to say the *Samaritan*, who shew'd mercy on him. *Jesus Christ* approv'd of his answer, by saying, *go and do thou likewise* : So that a christian is oblig'd to look upon him as his neighbour, who shews him acts of charity. From hence I infer, that if men are oblig'd in conscience to be obedient and tributary subjects to an infidel prince, under whose government they live, they have much more reason, surely, to pay such obedience and tribute to a christian prince, their natural sovereign, to whom they are united by the profession of the same faith ; and that whoever

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ever transgresses this command, is guilty of the breach of God's law.

We will now proceed to try how far the argument will bear with respect to the clergy. The question then is, whether a secular prince has a legal authority to demand the clergy's tithes? To this I answer readily, that if the obligation of subjects to their prince is as general as that of the prince to his subjects, (which was demonstrated just now) the clergy are under an indispensable necessity to plead some special privilege that exempts them from any such obligation; for the sovereign prince's authority is boundless and universal, and even this privilege ought not to be barely human, but they must hold it from God himself; for the authority of the prince is founded on the divine law, and not on that of man. Some men, of the best learning, have been so sensible of the force of the argument, that finding no way to come off, they have given it up entirely, and own'd, that 'tis very true the prince has a right to exact such tribute from all his subjects, but that this secular right terminates in the laity. A fine crafty answer this, but in the main really frivolous! for I would fain know which of these two ought, according to God's law, to be in greatest subjection to his prince? whether a Christian to a *Turk*, in whose dominions he lives? or an ecclesiastic, living in a christian country, to the secular prince? in the one case, 'tis my dwelling only that ren-

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ders me subject to the *Turk*, whose sovereignty over such my dwelling is no less than usurpation and tyranny ; but in the other case, the ecclesiastic dwells in a place where the prince has the legal right of sovereignty, and is moreover united to him by the same faith. I should be glad to know what answer they could possibly make to that objection ; for if they should be so imprudent as to assert, that a christian is more oblig'd to obey a *Turk*, than a clergyman his christian prince ; I would ask them, by what rule have the Popes so often publish'd croisadoes, and invited all christians to fall upon the *Turks*, since such christians, who live under the dominion of the *Turks*, are, if that assertion be true, more oblig'd to obey the *Turk*, than the clergy are oblig'd to own the authority of christian princes ? Now, 'tis certain that every clergyman is subject to his lay-prince in all things that are independent on the ecclesiastic ministry. But, in the functions of the priesthood, the ecclesiastic is not subject to the temporal prince, who has in that case no authority over him ; and if he should pretend to usurp it, he would deserve blame and censure, as we have shewn under another head. On the other hand, the payment of tenths is a thing so far from being injurious to the priesthood, that it has no relation to it. For we have elsewhere demonstrated, that the clergy's possession of temporalities is so far from being *jure divino*, that 'tis hardly compatible with the priesthood ;
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and from hence it necessarily follows, that by virtue of such possessions, they are subject to the prince, and that the sovereign, however he became such, has authority to treat them on a level with the other subjects. Lest any should accuse me of replying to the same thing a hundred times, I will reduce all that I have to say, as to this head, to one single point, *viz.* whether 'tis possible to form an ecclesiastic sovereignty within one that is secular? The whole controversy turns upon this one question, which, however, I have divided into so many chapters, only to render it the more clear and intelligible; for, tho' I have made twelve separate articles of it, they have so near an affinity to each other, that it was impossible to treat of the one, without breaking in upon the other.

If it be certain that not one good reason can be produc'd why ecclesiastics should be tolerated in the possession of temporalities, how vainly then do some people argue, who say, that the secular prince is oblig'd to regard them as a thing sacred, and, as it were, divine? We will now inquire how tenths came to be first establish'd. The priest thinks he is authoriz'd to collect the tenths of the laity's possessions by the express command of God; that consequently, if the estate, which the priest possesseth, consists only in the tenths, he shall be exempt from the impost of the prince, because it would be unreasonable for him to pay

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the tenth of a tenth, since God, by obliging the laity to pay their tenths to the clergy, does not oblige the clergy to pay them to the judge, the governor of the people, or king; and in things odious (as they say) there must be no comment, where the text is silent. But what will they say, if it be made appear that the possessions of the clergy do so far exceed the tenths, they receive from the laity, that they amount even to one third of all the product of the earth, sea, mountains, rivers, and of all the yearly fruits produc'd by nature? For an instance, or rather proof of this, I will only mention *France* and *Spain*, where the clergy is the chief and the richest of the three orders of the state. I do not speak of *England*, because 'tis known that the greatest and clearest revenues of the king, at present, arise from the spoils of the regular clergy, or monks of the island. To instance only in the city of *Venice*, the tenth of the laity's possessions scarce amounts to 200,000 *Ducats*, whereas the tenth of the clergy's estate comes to more than 500,00, by raising not the tenth, but only the fifth of the produce of nature, without reckoning the other payments which the laity make, out of their own estates, to the curates and ecclesiastic prelates, and which are not included in the above account; because the tenths, which are levy'd upon the clergy, are rais'd only from such of their possessions as are patrimonial benefices, with an exception to

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persons, who, according to the simplicity of the ancients, remain in possession of *jus quasi-tum personæ*, i. e. *personal estate*, and not that which is real.

But if, for instance, a secular prince has no right in himself, according to the court of Rome, to levy the clergy's tenths, from whence (say I) must he raise the sums necessary for his Expences, and for the defence of his government, cities and subjects, and even of the clergy? If it be answer'd, that he ought to tax the estates of the laity only; I reply, that it would be transgressing the precept of mutual justice and equity, for the clergy to refuse contributing their quota, in proportion to the benefit they reap in common with the public, by their protection: besides, that 'tis uncharitable to lay the whole burden upon the one, and none at all upon the others, or so much as to lighten their burden, who naturally ought to bear as great a part of it as the others. Nay, the sacredness of the ecclesiastical state would tend to the oppression of the laity, if the getting into ecclesiastical orders were sufficient to excuse a man from bearing a share of the public taxes. But to argue more closely to the point: If it should happen, in process of time, that all the estate of the laity, or the greatest part, however, should become the property of the clergy, where, I pray, must the prince raise his revenue? because, according to the system of those extraordinary zealots

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lots for ecclesiastical liberty, all such estates ought to be free from taxation. To say that this is supposing an impossibility, is saying nothing to the purpose ; because, if we may be allow'd to judge of what may, by what already has come to pass, and consider the vast increase of church-livings, since the clergy had a being, it will appear that their engrossing the whole to themselves, is so far from being such an impossibility as some would insinuate, that 'tis, on the contrary, very easy, and we might say very near their accomplishment too, unless they meet with rubs ; such, for instance, as those which the wise and vigilant republic of *Venice* have now laid in their way. It may be objected, perhaps, that there are some of the laity, who, having no estate, pay nothing to their prince ; I grant it ; but I take this to be a case wherein the laity are tax-free, because those taxes which a prince lays upon all his subjects, are founded on a supposition that they are well able to pay them ; for if a lay-subject has no estate, or at least but a small one, he cannot bear a part of the burden, because he is commonly forc'd to live upon the charity of the clergy, or else to earn his bread by daily labour, as did *Joseph's* brethren in *Egypt* ; in which are manifest the sad effects of God's curse upon mankind, in the person of *Adam* ; when he said to him, *in the sweat of thy face thou shalt eat bread*. Now the clergy may as well pretend to have been created free from

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original sin, as from this curse, tho' they are become the executioners of it, by selling again to the laity that bread which they receiv'd from their ancestors, under the title of alms. Upon the whole, therefore, if, while part of the subjects are exempted from taxes, by reason of poverty, another part plead exemption by special privilege, their sovereign would be much more at a loss than even the superior of a convent, who is oblig'd by his character to govern and maintain his monks, without any income from them. And whoever should like to be a prince on these terms, I think he would richly deserve to be canoniz'd for a saint, who was poor in spirit indeed.

'Tis in vain to say, that when a prince is in these unhappy circumstances, the Pope would, by an *indulto*, impower him to lay such a tax upon the clergy of his dominions, as might answer his demands; for in the first place it must be observ'd, that such *indulto* being entirely dependent on the Pope's will and pleasure, might be as well refused as granted; and in the second place, that 'tis absurd to send a prince a begging to another for the ways and means which God himself put into his own hands, when he advanced him to the sovereignty; for considering what *Jesus Christ* said to *Pilate*, who was so far from being a prince, that he was only the minister of an idolatrous prince: *Thou couldst have no power at all against me, except it were given thee from above*; it must

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be own'd that princes derive their authority immediately from God, and that by consequence he has given them the means sufficient to support that authority, without being beholden for them to the good pleasure of another. This comports likewise with the idea we have of divine justice : For if a free prince, who is stil'd prince by *the grace of God*, is only accountable to him for the misgovernment of his people ; and if such misgovernment is owing purely to the want of the means, he cannot be punishable, by divine justice, for what he could not help. An idolater does not commit sin by continuing in his idolatry, if he never had an opportunity to be instructed in the christian faith. 'Tis true, he sins as well as christians, if he gives himself up to other vices ; but his infidelity, or sin of idolatry, will never be put in the balance with his other crimes, because he is not to be blam'd for not believing what he knows nothing of, either by himself, or by tradition. *Who hath believed our report ?* said the prophet ; and St. Paul therefore drew this consequence, *faith cometh by hearing*. To apply what has been just mention'd to the case of a sovereign prince ; if he leaves his subjects to be invaded, and extirpated by a foreign enemy, or else does not defend them against villains at home, for want of soldiers and statesmen, whom he cannot get without money, and a sufficient revenue ; I do affirm, that in this case he is not to blame,

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any more than the mole for not looking up to the sun, or the ostrich for not flying ; because, tho' the one has Eyes, and the other wings, yet they are both too weak for those purposes.

Those who stand up for the maxims of the court of *Rome*, have still another objection, and that is this. Then, according to your opinion (say they) a lay-prince may tax his ecclesiastical subjects at discretion, and fleece them without mercy, much like the king of *England*, who first took their estates from them, and then turn'd them out of his dominions. But these gentlemen, under favour, are too hasty in drawing their conclusions, since every impartial reasoner will undoubtedly perceive that I have no such meaning. For no just prince will take the liberty to run into that extreme, no not even with respect to the estates of his lay-subjects, and much less with respect to their freeholds ; because God gives leave to no body, not even to a mere private person, to squander away his estate in excess and debauchery.

St. Thomas, in his treatise *de regimine principum*, says, that 'tis possible for a prince to be a tyrant two ways ; either by seizing an estate, to which he has no right nor title, or by governing his lawful subjects in an unjust manner. The treasure set apart for the maintenance of those whose profession it is continually to offer up praises to almighty God, ought not to be employ'd in offending and blaspheming him. Every

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ry time that a temporal prince imposes a tax, he makes himself a debtor to God for all the sums he thereby levies, and must give an account of the use he makes of them. Happy therefore are those republics, where no exactions whatsoever can give umbrage, or uneasiness, because they who lay on the burden are those who bear it, and have not an opportunity to put any of the money into their own pockets.

As the ecclesiastics can by divine right exact only the tenths from the laity, so the temporal prince has no authority, as such, to exact of the clergy more than an annual tenth; and if he would have larger subsidies, he ought to desire leave of the Pope, as he is the sovereign prince of the clergy, and the protector of their rights and privileges. I say, moreover, that every secular prince, who has not a sovereign and independent power, such an one, in short, who is merely feudatory, has not a right to exact the ordinary tenths of the clergy, because this right is peculiarly attached to sovereign power, and does not suit with a prince who owns a superior, which makes the essential difference betwixt a free prince and another.

At this rate, be a prince ever so free, yet if he requires extraordinary subsidies, he must have recourse to the Pope, as the good kings of *France* and *Spain* have always done. Indeed there may be an exception as to cases of extreme necessity; for, as a private man may apologize for his robbing the altar, and even

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for committing wilful murder, by pretending, in the one case, that he had no other way to get a morsel of bread, for prolonging his miserable life ; and in the other case, that he only acted in self-defence against a powerful aggressor, *cum moderamine inculpatæ tutelæ* ; so a prince, for instance, who has not time to send before-hand to *Rome*, may come off very well with the Pope, provided he demands, or levies such extraordinary subsidies, with a promise to restore them, if he has not the holy father's approbation. I remember to have read a brief of *Pius V.* directed to the emperor *Matthias*, which was fill'd both with exhortations and menaces, because that emperor publish'd an edict in opposition to the pretended ecclesiastical liberty, for raising certain sums above the usual tenths, in order to supply some pressing necessities of the state ; but as soon as ever he made known that indispensable necessity to the Pope, and beg'd an *indulto*, he had it granted, on condition that he would, in the first place, revoke that odious edict. I have also read a letter on this subject, from Pope *Sixtus V.* to *Philip II.* king of *Spain*, in which he treats him with exceeding tenderness, as considering the then circumstances of his majesty's affairs, and those of the times. The Pope tells him in that letter, of a great sin that he had committed, by establishing a sort of pragmatic sanction, which included bishops, archbishops, and cardinals, and exhorts him to repent

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repent of it before God ; and this affair, like the former, was determin'd by the dispatching of an *indulto*. If therefore we concede to the courtiers of the *Roman* See, that a prince ought to obtain leave of the Pope for raising extraordinary subsidies, they will be so ingenious as to own that the prince has authority *per se* to exact the ordinary tenths of the clergy.

If they argue, that because the most serene republic, and other sovereigns, raise those tenths by virtue of the Pope's *indulto's*, they have not such authority in themselves ; I answer, that the court of *Rome* has been a long time used to the policy of giving others what they had before, or what they had a right to assume of themselves. And it has happen'd, in process of time, that those who have been in possession of favours of this kind, have sat down contented with such their possession, without troubling their heads whether they held them by a right natural, or deriv'd, or what way soever they came by them. They had their reasons for this conduct, first, to avoid the reproach of ingratitude by disowning the gift ; and secondly, because it seem'd to those princes that the said donation was a fresh proof of their acquisition, inasmuch as it oblig'd the donor to support their titles. And indeed, tho' *Paul IV.* had not given the king of *England* the title of king of *Ireland*, I don't see what could have hinder'd him from bearing that, as well as the title of king

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king of *Great Britain*; which they have assumed since. And when *Pius V.* erected *Tuscany* into a grand dutchy, I think verily that *Cosmus*, duke of *Florence*, might as well have done it himself, if he had not lik'd the Pope's conduct. But neither the king, nor the duke, shewed the least contempt for the Pope's favours of that kind. It was a punctilio which they did not care to dispute with him, nor to refuse his good-will for the sake of a ceremonious formality of title, the rather because every religious prince seeks occasions to shew his veneration for the mind of the Pope, who is their common father in *things spiritual*.

But, as the Pope has granted many such *indulto's* of *his own accord*, and as in that which *Clement VI.* granted to the most serene republic, it was declar'd not only to be of *his own accord*, but also for the good of the Church, it may justly be averred, that under pretence of such grants, the Pope sily preys upon that legal right which every free prince has over his own dominions; another instance of which is this. When a new king of the *Romans* is chose, who is then call'd emperor elect; the election is made by the concurrent votes of these three princes who dissent from the Church of *Rome*, viz. the elector *Palatin*, and those of *Saxony* and *Brandenburg*, tho', according to the ecclesiastical censures, they are depriv'd both of their dominions and rights. What's the consequence? why the Pope makes no scruple
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nevertheless to confirm the election, and declares he does it after much intreaty made to him for redressing all the mistakes in matter of law or fact, which might happen in the said election. But who pray intreats this at his hands? verily, no body at all. For those princes care not one rush for his confirmation; and, moreover, think what is called their mistakes, their singular honour. The emperor perhaps does it in order to obtain the confirmation with the more ease, yet nevertheless no notice is taken of it in any wise, either *viva voce*, or in the Pope's bull; and indeed this circumstance makes so little difference in the thing, that 'tis of no signification.

We will now examine whether a secular prince has a legal right to make any order for the good of the state, with respect to the estates or persons of ecclesiastics.

This question may be resolv'd in a very few words; for if it be true that a prince is establish'd by God, to defend and well govern the people, it necessarily follows that he has a legal power to order, as well with respect to his subjects persons, as estates, whatever he thinks may contribute towards such good government; and it would be as absurd to assert, that a prince ought to govern where the clergy will not be governed, as to expect that a physician can work a cure where the patient refuses his medicines. The common answer to this is, that a secular prince has nothing to do with

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with the government of the clergy, because they are under another master, and that all the obligation incumbent on a prince towards the clergy, is to defend them, as well as the laity, from foreign enemies and domestic villains; and consequently that he is oblig'd to see that a town be supply'd with all things necessary for the use of the clergy, as well as of the laity, and to take as much care for the preservation of the one, as the other. I would fain know how the clergy would take it, if, in a time of famine, a prince should prohibit the selling of bread, or other provisions to them, and pretend that he furnish'd such or such a city with provisions, for the use only of the laity, who are his subjects, and not for that of the clergy, who own another governor, another lord, another guardian. I believe that in such a case the clergy would not only confess the truth of the axiom I have laid down, viz. that the clergy-gentlemen have their particular governor and protector in spirituals, and in the functions of the priesthood; but also, that as to their own persons, they are as much subjects of the prince as the laity. If a river overflows and drowns the lands of the clergy, and the prince takes no care to drain the waters, and turn them into their old channel, on pretence that the ruin of such lands is nothing to him, because he has no power over the owners; I doubt not but the clergy would then change their note, and say, that the sovereign ought

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ought to take as much care of their interests, as those of others: And 'tis as certain, that in such a case as this, they would not argue for the absolute necessity of an *indulto* from the Pope, to raise, above the ordinary tenths, the sums necessary for draining the waters off of their drowned lands; because they would say, while they wait for the consent of the court of Rome, their corn and plants would rot under water. This being the real state of the case, they ought not to stifle the sentiments of their conscience, but to acknowledge the prince for their sovereign, when he commands, as well as when he defends, and not to imitate the *Cuteans*, &c. Those *Assyrians*, who being brought by *Salmanazar* to inhabit *Samaria*, after he had destroy'd the kingdom of *Israel*, call'd themselves the friends and kindred of the inhabitants of *Jerusalem*, while they were happy and gay; but when they were oppress'd, said, they had nothing to do with them, and that they were foreigners. To avoid giving into all these absurdities, there needs no more than to reflect, that, in order to form the body politic, the prince must constitute the head, and all the subjects the members. I am not asserting that a temporal prince has an unlimited power to load the clergy with exorbitant taxes; and it would be unjust in the *Romanists* to make that inference from what I have said. 'Tis enough for me, if I can but make appear how just and equitable it is for a prince to le-

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vy the annual tenths, and that on very pressing occasions he may raise extraordinary subsidies, after leave granted him ; but that if the urgency of his affairs will not admit of a delay, he may, without such permission first obtain'd, force the clergy to contribute their *quota*, for promoting the publick good, of which they are partakers in proportion with the laity. He that soweth his seed in good season, gathereth ; but he that soweth out of time, loseth, instead of gathering. If one of those tenderly conscientious catholics, who thinks it so highly criminal not to make application, in the first place, to the Pope, should be going a journey, and by misfortune fall and wound his head, I should be glad to know whether he would refuse to be heal'd by a man of very good practice ; but being not enter'd as a master surgeon, practises surgery without authority, and without a lawful certificate ; and whether he would chuse to keep his wound open, and in danger of mortifying, till he has sent to the next town for a licens'd master-surgeon, who is so both by profession and appointment. The application is very easy, and the answer of the wounded catholic, if it be sincere, will be sufficient to justify the conduct of such lay-sovereign, who exerts his authority over both the persons and estates of the clergy. If a brother in a monastery should be afflicted with the plague, I believe that none of the monks would be angry with the lay-sovereign for removing

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moving him immediately to an hospital, but would rather look upon it as a very wise, just, and charitable precaution of the prince, for the common preservation of the fraternity. When the *Hugonots* first introduced their opinions into *France*, the piety of the most christian king inclin'd him to make very earnest remonstrances to the court of *Rome*, and to desire that a Council might be call'd, as the most effectual remedy: The Pope was ready enough to fall in with the king's request; and I don't deny that a Council is the most proper remedy that can be thought of, when evils of this kind happen; but the Pope said it was necessary that all the christian princes should give their consent to the calling it. Mean time the error gain'd ground in *France* more and more, so that 'twas propos'd in the king's cabinet, to call a national Council, for want of a better remedy; but some remonstrated that this would, in a manner, break the unity of the catholic Church; when one of the counsellors of state wittily reply'd, that he thought it very unaccountable, that while the whole kingdom of *France* was in such a flame, they should sit still, expecting water from the *Tyber* to quench it, when they had such large rivers of their own as the *Seine* and *Marne*; plainly intimating thereby, that when danger is afar off, there is time enough to deliberate; but that when destruction is at hand, 'tis high time to act.

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But

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But while we plead for this liberty in a temporal prince, let it be observ'd that we do not pretend to justify the excess of it; since we take it for granted that he knows he must one day give an exact account of his administration, especially of the laity's estates, to the divine justice. Besides, 'tis his interest to preserve the good opinion of the Pope, and other christian princes; because, if a prince be never so wicked himself, he obliges others to do him justice, and to support his interest; for 'tis certain, that with what measure we meet to others, it shall be measur'd to us again. Therefore I argue for nothing irregular, but only for obedience to the law of necessity, which is superior to all other human laws. We will now treat briefly of the advantages resulting from my argument.

If the grand seignior had but a small glimpse of the christian faith (for if he had a full view of it, he would know that he must renounce all worldly interest, when it hinders the profession of the faith in *Christ*, according to those words, *what is a man profited, if he shall gain the whole world, and lose his own soul?*) If, I say, he had a glimpse of it only, and should signify to the Pope, that he is willing to be baptiz'd, on condition that the Pope would confirm him by an authentic bull in the possession of all his dominions; I would fain know whether the Pope would grant such a bull, or refuse it, since the granting it would be taking

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away the rights of as many christian princes as have been depriv'd of their dominions by the *Turks*? As this case indeed has never yet happen'd, the gentlemen of the court of *Rome* will e'en make what answer they list; but if they should say the Pope would refuse it on the consideration just mention'd, I frankly own to them, under favour, that I cannot believe them; for, methinks, I already see a bull of their own drawing up, in the most florid terms, dictated by their own virtue and eloquence, setting forth how advantageous it is to procure the public good, and to sacrifice all private interests to it! how much it promotes the general good of the Church of God to receive so potent a prince into her communion; who, it may be expected, will bestow as many favours and benefits on her, as he has hitherto done her wrongs and injuries! what a conquest it will be over the empire of the devil, to wash the souls of such a number of infidels in the baptismal font, and thereby enter them in the way of salvation! and, in a word, how many christians condemn'd to death, and slavery for life, will by this means be preserv'd! They would be apt to say, some grains of allowance ought to be made for the weakness of human nature, which ought not to be drench'd all at once with an emetic; which would be the case, if when a man desires life, he be condemn'd to the bitter portion of reducing himself to beggary by embracing the christian faith.

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faith. The prodigal son, mention'd in the gospel, had forfeited all further pretensions to his father's estate, by squandering that fortune which he had given him in riotous living ; yet, as soon as he return'd, the tender father put the best robe on him, and a ring on his hand, and made a feast, at which there was nothing seen but mirth and joy ; and all this was done at the expence of the dutiful son's fortune, it being the common interest to bring back those who are gone astray. Finally, to these reflections, they might add innumerable other curious ones, which do not at present occur to my mind. They might say, that as a *Jew*, when baptiz'd, is permitted to keep an estate gotten by usury, as incestuous marriages are dispens'd with, to avoid the scandal of whoredom, and the like ; so 'tis but just to receive a *mahometan* prince into the pale of the Church, and let him continue in the enjoyment of all those dominions which the christian princes have not only lost to him, but have not the least hopes of ever recovering. I doubt not but this conduct would be approv'd ; and to say the truth, there is a great deal of reason for it. Therefore, since in such case it would be thought conducive to the publick good, thus to canonize the usurpation, or seizure of the estates of the clergy, as well as the laity : As for instance, in the isle of *Rhodes*, which was the patrimony of the knights of *St. John*, as it is now of the knights of *Malta*, the same rule

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rule ought to take place here, and the conduct of a lay-sovereign must consequently be approv'd, who, for certain urgent reasons of state, which he knows better than any body else, lays hands upon either the estates or persons of the clergy; for where's the reason that every one of his subjects should have a share in the benefits of his government, and only a part of them bear all the weight of it? Don't tell me that there's no proportion, comparatively speaking, betwixt the imposts, and the advantages so much boasted of; for I must needs reply in my turn, that neither are the contributions near so exorbitant as is pretended. An experimental philosopher will tell us, that by the mere operation of the intellect, he can divide a grain of millet into an infinite number of parts, as easily as the vast globe of the universe; but, without examining whether those parts are alike, all that he pretends to prove is their proportion. 'Tis the very same case with the advantages resulting from that liberty I acknowledge in sovereigns; which, if they are compar'd with the damages or imposts, the latter would appear vastly less than what I have represented them. The sea-faring man carries and recarries merchandize from one pole to the other, in hopes to enrich himself, and is many times oblig'd to throw all his cargo into the sea, when he is come in sight of his port; by which means he loses, in one moment, what has cost him the sweat and toil of

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many months, or perhaps years; but life is sweeter to him than all his treasure: In like manner, the physician cuts off an arm, to hinder the mortification from spreading to the heart. Therefore, I say, a prince ought to be excus'd, tho' his conduct may appear violent and injurious, when what he proposes is to procure a greater good, or to prevent a greater evil, *minus malum habet rationem boni*. And of all these things we must leave God to be the judge; who is the searcher of hearts, and will render to every man according to his deeds; for, on the other hand, to censure the actions of a prince, is to set up a prince over his head.

C H A P. XI.

Whether a temporal prince has a right per se, to judge ecclesiastical criminals?

SAmuel, the prophet and chief priest, was appointed judge of the children of *Israel* by the exprefs command of God; but that capricious nation could not long bear with that holy judge, much less with the rebukes he saw fit to give them; and nothing would serve them but they must have a king, whom they earnestly

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earnestly demanded of him to grant them. The prophet declar'd to God in the tabernacle, where he us'd to meet him, the humour the people were in, and God commanded him accordingly to indulge their fond desire, and to anoint *Saul* king over all *Israel*. The prophet obey'd, and after the ceremony of *Saul's* installation was over, the chief priest took off his mitre, and calling all the people together, declar'd, that if any one had been injur'd during his administration, he should bear record of him before the Lord and his anointed; for he was ready to answer all accusations, and to undergo the punishment due to his guilt. God has been pleas'd to leave us this eminent example in the holy scriptures, as a plain evidence of the obligation that the clergy are under to submit to the lawful authority of the secular prince, when their transgressions come under his cognizance. Nevertheless, I freely own that this proposition, as general as it appears, is liable to many exceptions, and the sacred scriptures, from whence I fetch all my proofs, favour the opinion of those who assert that the clergy are not responsible to the lay tribunals for every offence; for those which they commit in the functions of the priesthood, are immediately punish'd by God himself, as happen'd to those of old, who, for making use of strange fire, were punish'd with sudden death; or if God does not punish them upon the spot, he reserves them for the terrible day

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of his vengeance. Therefore, I would be understood in this sense, that the clergy are accountable to the tribunal of their temporal prince, for all the faults they commit, foreign to their priestly functions ; every one knows that the order itself does not make the clergy wiser or better than other men, and that the priest is as much under the dominion of the senses as the layman, and as much subjected to the violence of all the passions ; so that he always appears to be as frail as other men : Would to God their crimes were nothing but the effect of mere human frailty, and that they did not sometimes outstrip the most dissolute debauchees in wickedness ! such ecclesiastics are not exempted from the judgment of temporal courts by their character, since this is what they have highly dishonour'd, by striving to blaspheme the law of God ; and if a prince had not authority to pass judgment on such crimes, which are, as we may say, only secular, how would it be possible for the sovereign to keep his subjects in obedience, when notorious, wilful criminals, should plead the privilege of being exempted from the obligation of submitting to punishment ? the only way an ecclesiastic has to keep out of the verge of the secular tribunal, is not to fall into those crimes which it belongs to that tribunal to punish. Then he would have no other punishment to fear than the brotherly correction of the prelate, his superior ; but those who pretend that the sacrament

ment of ordination does screen a sinner from the punishment he deserves, which is, in some sort, to make it no less than the foment of sin, shew, that they have not the least notion of the doctrine of *Jesus Christ*, who has no greater enemy than sin, and who hates it more than he does the devil himself, whom he hates on no other account but that of his sinfulness.

The gentlemen of the court of *Rome* will tell me, without question, that they are not so absurd as to imagine, that an ecclesiastical criminal ought not to be punish'd, but that all they dispute about, is the competency of the tribunal; for they hold that such a man is censurable by none but his bishop, the metropolitan, or legate, who being constituted the prime dignitaries in the ecclesiastical state, are the only persons that can judge canonically of his crime. I always said, and do still say the same; but then we must suppose the crime, or offence, of such clergyman, to be in a matter merely ecclesiastical. I have given divers instances of this in a former chapter; as, when he does not administer the sacraments rightly, when he changes the form, or matter of consecration; and in a word, when he introduces any the like culpable innovation in the exercise of his ministry, he ought to be try'd, and punish'd for it by the prelate, because crimes of this sort are not taken notice of in the civil law. The secular prince is also ig-

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ignorant of these matters, for they are foreign to his administration, and he ought to say in this respect with St. Paul, *what have I to do with these things?* Nay, I dare go farther than those gentlemen, and affirm, that every layman who is guilty of a crime in a matter ecclesiastical, which has relation either to doctrine or the sacraments, ought to be punish'd by the ecclesiastical court, because the sovereign cannot be suppos'd to have an adequate knowledge of the nature of the crime, and therefore knows not so well how to proportion the punishment. But let it be remember'd that I speak this of such crimes only as have some relation to doctrine or the sacraments; for, if a layman commits a robbery in a Church, tho' his crime be no less than sacrilege, and seems at first view to be a crime in a matter that is properly ecclesiastical, yet he is subject to the temporal prince, and 'tis the province of temporal courts to try the offender, because 'tis possible for the sovereign to have a sufficient knowledge of the case and circumstances of the matter of fact. But, on the other hand, if a layman be accus'd of witchcraft, forasmuch as this crime concerns ecclesiastical liberty, it does not come within the jurisdiction of the temporal courts. For the same reason, if a clergyman be accus'd of adultery, robbery, or the like crimes, which are offences point blank against the laws of the state, 'tis the prince's business to try and punish them, because 'tis

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he who makes the laws, and appoints the punishment due to the transgressors: Tell me not that the criminal might be as well punish'd by the ecclesiastical judge, for, I say, the offender would become the more bold and insolent, if he gets but the least hopes of retarding, tho' not of alleviating the punishment. 'Tis well known, that the shortest term, which the Council has set for the decision of an appeal from the sentences of the ordinaries, is two years. Now, if a temporal prince, who is injur'd by the crime of an ecclesiastic, has not a right to punish him, the latter will appeal from the sentence, and so the sovereign will be oblig'd to go a begging to the ecclesiastical courts for reparation of the injury done him. The clergy ought to shew no examples to encourage the dissoluteness of the laity, yet nothing less can be the consequence, as often as the laity see an ecclesiastical criminal not punish'd in due time and manner, and by the proper court. Besides, it ought to be remember'd that the authority of a secular prince is prior, in point of time, to that of the clergy and bishop's court: 'Tis said, *Touch not my Christs or anointed*. This is true indeed, as far as they are anointed and consecrated, which is the signification of the word *Christos*; but St. Peter did not make this exception when he commands obedience to princes, even those call'd *Discoli*, that is to say, such as are unjust, impertinent, and whimsical.

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I am sensible, that notwithstanding what has been urg'd, I shall be accus'd of broaching a novel opinion, the mere product of arrogance, and founded only on violence; but I leave every reasonable man to judge which opinion seems the newest, that which I have laid down, or theirs at *Rome*, who deny sovereigns part of their proper jurisdiction. In short, what was the end of the old canons, which order'd, that every clergyman, convicted of any enormous crime, should be degraded and deliver'd over to the secular judge? Was it not to save an ecclesiastical judge the trouble and vexation of decreeing excessive and capital punishment, because it does not become a sacred judge to dip his hands in blood, even tho' the enormity of the crime requir'd it? The Council of *Trent* confirm'd this custom by an express decree; but considering that in order to conform this degradation to the manner prescrib'd by the ancients, they should be oblig'd to delay the punishment of the criminal a long time, because of the many bishops it would be necessary to assemble for that end, they therefore order'd that abbats should be summon'd, instead of bishops; and for want of these, the chief incumbents of cathedrals.

Therefore, I say, 'tis not sacrilege, as is loudly pretended, for a secular prince to try and condemn ecclesiastical criminals; because not only the canon laws, but also the Council of *Trent*, demand it at their hands. Degradation

dation does not make a priest cease to be a priest, for the sacrament of ordination is one of those that impress an indelible character, which all the power of man cannot deface. The whole that degradation does, is the putting a priest under a state of interdict, by forbidding him the exercise of his office. It does not take away his capacity of performing his functions; and if a priest, who is degraded, consecrate the sacrifice, it will be valid, tho' he commit a sin by doing that which is forbidden him. Moreover, if a degraded priest be condemn'd to die, and a layman happen to fall so ill on a sudden, that his life is in danger, and no other priest is at hand to confess him, then the priest, who is under sentence of death, might, and ought to hear his confession, tho' he is just going to the gallows; and the dying man, so absolv'd from his sins by the said priest, will be truly and properly absolv'd before God. I say, that such priest not only *might*, but *ought* to confess the dying man, because the obligation of obedience to the precept of confession is greater than the suspension pronounc'd by the bishops. 'Tis evident, therefore, that, according to the canons themselves, a secular prince may judge ecclesiastics; and if it happens that he do it without degrading them, 'tis because every crime is not capital; but the delinquent, tho' he does not deserve death, ought not to come off without any punishment at all, for the sake of observing that formality; besides

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besides that such impunity would be attended with the inconveniency I have already mention'd, it would promote licentiousness among the laity, because sin is always countenanc'd by retarding the punishment of the criminal, tho' he does not at length wholly pass unpunish'd. When a prince happens to punish a clergyman, without staying for his degradation, he fails in his observation of the canon that prescribes it; and all the fault that the court of *Rome* could pretend to find with such procedure, would be only the neglect of a mere piece of formality, in no wise essential in it self, because degradation does indeed suspend, but not efface the character of ordination. But to return once more to the ecclesiastical judges; are they themselves such strict observers of these canons, that when they find an irregular, scandalous priest, in countries subject to the Church, both in spirituals and temporals, they degrade him, and then turn him over to the secular arm? No verily; they first condemn such priest either to the galleys, or the gibbet, according to the nature of his crime, without delivering him over to the secular power, observing the distinction I have already mention'd, *viz.* that they pronounce this sentence not as priests (because then they would fall into an absurdity) but as ministers of a temporal prince, or of an ecclesiastical one, who exercises a temporal power and authority. By this conduct, they do as good as acknowledge

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ledge that 'tis necessary, for the good government of a temporal state, to pass judgment without delay, and to condemn the guilty, whether they are laymen or clergy, without standing for the ceremony of degradation, or carrying them about from one tribunal to another. Why then do they scruple to allow the same right to a temporal prince, who is as much concern'd surely as they are to govern the subjects well, and not to sleep when the guilty deserve punishment; especially those who have committed great crimes? if they make no scruple to break those canons which they ought to obey, I don't think the neglect of them can be a crime in a temporal prince, who indeed owns his obligation to obey the divine law, but does not think he is, nor is he any way oblig'd to mind the canons in matters relating to his government, since he has no superior to account for it to, but God alone.

These are the usurpations which the court of Rome would fain see establish'd all over the world. They would have it believ'd that the ecclesiastical courts have greater authority, in these modern times, than the ancient prelates had formerly. They preach up obedience and justice, but leave the practice thereof to others. If a layman commits a robbery, or murder, in a Church, and, being prosecuted for the same at law, flies for protection to another Church, the canons are against his enjoying the privileges of the immunity; because,
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say they, he has already dishonour'd the sacred place by his crime. By parity of reason, when a clergyman, who is by his profession bound to lift up his eyes to heaven, and to use his hands in administering the sacraments, is the first man to sully his sacred character by robbery, murder, or other great enormities, why then should he enjoy the privileges of that order which he has thus defil'd? for ecclesiastical liberty was establish'd for our edification, and not for our destruction.

The Council of *Trent* is full of decrees made in favour of episcopal authority, with a view to render the bishops more easy in the government of their dioceses; which was often molested and hinder'd by temporal princes granting exemptions, favours, protections, and the like, to certain places of devotion, military orders, and royal chaplains; which exemptions and privileges, claim'd by offenders, are so many impediments and obstacles to the right administration of justice: Therefore the Council frees the bishops from shewing any regard to concessions of that kind, and they allow a bishop the more liberty, in this case, to encourage him to constant residence in his diocese, and to reward him for his pains in it. Why then should not a lawful prince have the same free liberty, who holds his authority and government from God himself, and the law of nature? for my own part, I cannot help thinking it intolerable presumption, to pretend to make the bishop's jurisdiction larger than the

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prince's to whom he is subject, and in whose dominions he assumes that authority.

The Council declares in a hundred cases, that when a bishop finds himself embarrassed, he ought to call for the assistance of the secular arm. Is it not the highest ingratitude then in the ecclesiastical tribunal, to pretend to dispute the prerogatives of the temporal one, from which it receives protection and succour? I know they will tell me, that a prince, supposing he be an ecclesiastic, would enjoy the same privilege, but that while he is only temporal, he ought not to concern himself with persons that are sacred: To this I shall repeat the same answer I have already given; that tho' the person of a delinquent be sacred, the action is not so, and such action makes him forfeit his quality and privilege of consecration. 'Tis remarkable that the very canon law excepts twelve most flagrant cases, in which the secular judge is so far from being bound to regard ecclesiastical immunities, that he may cause a criminal attainted of any, or either of those crimes, to be arrested in that very Church to which he flies for protection. Now ecclesiastical liberties and ecclesiastical immunities are but one and the same, and only differ in this, that ecclesiastical liberty is ascrib'd to persons, and the other to places that are sacred. Since therefore, by the confession of the *Romish* casuists, the enormity of the crime justifies the secular judge in laying hands upon the criminal,

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criminal, notwithstanding the sacredness of the place, and tho' even the holy sacrament be there, I would fain know why the same enormity, when found in the person of an ecclesiastic, does not authorize the prince to treat him in the same manner. After this, 'tis no wonder if some evil-minded persons take the freedom to say, that all this noise and jealousy of the clergy is not for procuring respect to the dignity, but to the man who is vested with it; and that a multitude of worldly interests and passions are often cover'd under the cloak of religion. But we shall now conclude this article, on which we have already said more than enough to satisfy those that are impartial, but shall never be able to add what will convince those that are interested in the matter.

C H A P. XII.

Concerning the Pope's infallibility.

WHILE I was pondering upon this important subject, I call'd to mind the genealogy which *Aristotle* has left us of natural philosophy. Its great grandfather, says he, was *ignorance*, its grandfather *admiration*, and its mother *doubt*. The sight of those effects, she could not account for, gave birth to *admiration*, for we are apt to admire what we do not know;

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know ; and in fine, *admiration* excited the understanding to go in search of the *why* and *wherefore* of these effects, and from hence sprang *doubt* ; and the discussion of things doubtful brought forth *knowledge*, *wisdom*, or rather true philosophy. *David* has recorded that *every man is a liar* ; and *St. Paul* says, *let him who thinketh he standeth, take heed lest he fall* : And finally, the Council of *Trent* says, *no person can be sure that he has obtain'd the grace of God*. Yet we are told every now and then of a man who has eyes strong enough to look steadily into the sun of truth without being dazzled, who can slide upon the slippery ice of human weakness without falling, and who is consequently infallible in all his judgments.

At first, a man knows nothing at all of infallibility, then he *admires* it ; and in the third place comes to doubt of it ; but, at last, with the help of some distinctions, he comprehends it, and solves all his former doubtings. The champions of the court of *Rome* boast that this point has been clearly decided by *Christ* himself in the affirmative. If so, I desire no more ; for *Jesus Christ* being the truth itself, one single word of his proves more than all the demonstration which the wit of man can invent ; but if the principle, on which their demonstrations are founded, is false, they must be so too ; while, on the other hand, the word of our Lord *Christ* is exempt from all manner of falshood.

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A certain king of *Japan*, having heard it asserted by the missionaries, that if a christian had faith, he was able to remove mountains; he sent to acquaint their superior, that he intended in a few days to see an experiment of the truth of their proposition, and that if they did not succeed, he would punish him and all his countrymen as false prophets. This message was extremely mortifying to the superior, who very much doubted of success; for in all times there have been propositions advanc'd in dispute, which could never be prov'd, when brought to the test. However, an honest cobbler apply'd to the missionaries, and desir'd them to tell him sincerely, whether *Jesus Christ* had really declar'd so himself? and they assuring him that he had, he offer'd himself to work the miracle, being thoroughly persuaded, that if *Christ* had said it, he could not fail of success. I think my faith is as strong as the cobbler's; and if they can shew me that our saviour has any where promis'd this infallibility, I will instantly believe it, for I know that 'tis *he who hath made us*; and as he has given us frail nature, which is subject to err, he is also able to fortify us, and to set our understandings above the reach of fallacy.

I have prayed for thee, Peter, that thy faith fail not. This text is all the proof they bring for infallibility; which, as short as it is, might, however, serve for a proof, if it was not subject to a distinction; for it must be consider'd, whether

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whether this prayer of *Christ* is confin'd only to faith, or whether it does not rather extend to all the benefits depending thereon, as doctrine, piety, miracles, and eternal salvation. If all these graces had been promis'd by *Jesus Christ* to *Peter*, he could never have been without them. 'Tis true, he had them all at one time or another; for, after his conversion, he was wholly endow'd with knowledge and the gift of miracles, and was the first in the apostolical college, as well as the chief of the saints in *Paradise*; but all these advantages were the fruits of his repentance, and he acquir'd these great prerogatives as a reward of his faith, for confessing the name of *Christ*; so every one who has been baptiz'd may obtain all these rich gifts, as the price of that sacrifice which we make of our selves for the name of *Jesus*; for the justice of God does not deny the labourer his hire, but is rather lavish in its rewards, than sparing, as God himself has given us to understand in the parable of the vine-dresser.

All the controversy turns, in short, upon these two points: First, whether it was a privilege attached to the person of *St. Peter*, or to his dignity? these gifts were promis'd to *Peter* in consequence of his faith, yet all the apostles had them as well as he. The second, which of the two is perhaps the most difficult to answer, is whether this privilege be perso-

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nal, or whether it be common to all who succeed in *Peter's* chair?

First, let us consider at what time the promise was made. It was when *Jesus Christ* instituted the eucharist at his last supper with the apostles, when, as it may be said, he impoverish'd himself, by distributing all that he had to them; and that they might continue worthy of the dignity to which he advanc'd them, he warn'd them of the terrible temptation which the devil was preparing for them. *Satan*, says he, *has desir'd to have you, that he may sift you as wheat; but I have pray'd for thee, Peter, that thy faith fail not.* Who does not see that hereby *Jesus Christ* manifested an extraordinary love for *Peter*? for the temptation was prepar'd by the devil for all the apostles, and *Christ* warn'd them all of it; yet he tells *Peter* alone, that he had prayed to the father for him in a special manner that his faith fail not. It may be said that our Lord had forgot, or made no great account of the other disciples; but as soon as God casts his eyes upon human weakness, he remembers us, and makes us sensible of his assistance; for which reason *Jesus Christ* adds immediately, *and when thou art converted, strengthen thy brethren.* Therefore he did not forget his disciples; but it seems as if he would give *Peter* the preference of superiority, by his commanding that their confirmation in the faith should be the work of that apostle, in the same sense as *Pe-*

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ter's abiding in the faith, was the effect of *Christ's* prayer for him, and favourable disposition towards him. An admirable privilege this, without doubt, and a strong proof of his dignity ! But observe what happen'd a few hours after. His divine master was no sooner taken into custody, but *Peter* is expos'd to the temptation of a silly woman, when that *Peter* who was so dearly lov'd, that *Peter* who was so well forewarn'd, that *Peter* for whom *Jesus Christ* pray'd in a particular manner, denies him, and swears that he knows him not ! alas ! how frail is man ! who can stand, if *Peter* staggers, who had such mighty aids ? God forbid that any should think our saviour's promise and prayer for him were of no effect. One word of *Christ* is sufficient ; there cannot be a surer ; and there's no greater proof of it than the thief, who, by virtue of that divine word, ascended directly from the cross to *Paradise*. But some will say, how can we reconcile the promise with the effect ? why, if we duly consider what it was *Jesus Christ* promis'd, we shall find that he executed it to a tittle. *I have pray'd for thee, Peter, that thy faith fail not.* He does not say, *that thou fail not* ; which would amount to such a confirmation in grace as the angels in heaven had after the fall of lucifer, when they could not fall if possibly they would. *Jesus Christ* promis'd him that his faith should not fail ; for, in short, sin does not destroy faith, till the man apostatizes.

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Tho' *Peter* deny'd *Christ*, it was not because he doubted of his divinity, but the fear of death made him pretend that he knew him not. His crime was not the holding any heretical opinion, as was that of *Judas*, but his being afraid to confess the name of *Christ*.

There is a notable dispute among divines concerning what species of crime those are guilty of, who are forc'd by the *Turks* to abjure christianity. Some say they sin against the faith. *St. Thomas* is of the contrary opinion, and says, that be they never so wicked, they are still christians in their hearts ; and if they return to their first profession, they ought not to be rebaptiz'd ; but he says, their sin is a sin against the confession of the faith, which every christian is oblig'd to make at the hazard of his life. As for my own part, I should be apt to distinguish, and say thus : If they deny *Christ*, because they do not believe in his divinity, and in his promises, they sin against the faith ; for he cannot be call'd a believing christian, who does not believe in *Christ* ; but if they deny him only in appearance, and thro' fear of death, they sin against the confession of the faith, because they prefer this life to the profession of the name of *Christ*. This distinction will serve to shew us of what sort *St. Peter's* crime was ; he denies his knowledge of *Jesus Christ*, and backs it even with an oath and blasphemy ; but a moment after, *Jesus* casting his eye upon him in *Pilate's* hall of justice,

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justice, he thought of the guilt he had contracted, repented, and wept bitterly; whereas, if his faith had fail'd him, he would not have return'd to himself with so many marks of a sincere penitent. Now this was the effect of our saviour's prayer, who restor'd him to grace after so enormous a sin, and with that grace he obtain'd many other gifts; as piety, doctrine, miracles, and the being chief among the apostles.

The canonists pretend that the privilege of perseverance in the faith, from whence infallibility flows, is peculiar to the pontifical dignity. The *Romish* theologians are also agreed in the same point, and I my self have own'd as much in the beginning of this treatise, where I have plainly shewn my readiness to believe, that tho' the Popes of our days have not the same piety, or the power to work miracles as *Peter*, yet they have in all respects the prerogative of not erring. But what? are we to suppose them so confirm'd in grace, that they have no longer need of the sacrament of penance? no truly; for *St. Paul* says, that every high priest is encompass'd with infirmity. To solve this difficulty, we must again distinguish, that mannerrs two ways; in opinion, and in action; and that these two kinds of error are very different. It often happens, that the zeal of the will eclipses the judgment; but if this be solid, and duly regulated, it cannot be impos'd upon by the will. To apply these general

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ral reflections to our present subject, we may argue, that it comports with the justice of God, at the same time when he commands a thing to be done, to furnish the means for doing it, and that otherwise we might accuse his providence and foreknowledge; so that *Peter* and his successors being design'd by God, for the chief directors and ministers of the ecclesiastical monarchy, he has undoubtedly furnish'd both the one and the other with the means sufficient for governing the Church; the chief of which means is true doctrine. Some perhaps are so charm'd with the beauty of holiness, as to imagine, that the same is a necessary qualification for a Pope; but be it so or not, 'tis certain that doctrine ought to be his chief qualification; for the benefits of piety are peculiar to the person alone who has it, whereas the consequences of ignorance must be fatal to the whole christian Church. If he who is set at the helm of government be endow'd with true knowledge, as much as he edifies by his good example, so much does he demolish error by his knowledge. For this reason, I believe that the Popes hold the doctrine of *Peter* by indefeasible hereditary right, tho' not his piety; but the *Greeks* and *Lutherans* deny the Pope the gift of true doctrine, and acknowledge it only in a Council, according to that passage, *wheresoever two or three shall be gathered together in my name, there I will be in the midst of them.* For my part, I agree with

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with both, but shall again distinguish what knowledge it is the Popes have ; is it universal, like that of the angels and the bless'd spirits, who upon the spot, and without examining arguments, comprehend things of themselves, and are therefore call'd *Intelligences* ? No, this cannot be it ; for such a knowledge does not comport with human understanding, which is always eclips'd by the mists of the senses. Even *Solomon* had not this knowledge ; and tho' his was the effect of the illumination of his understanding, yet he had no greater a degree of it, than what demonstrated him to be a man. We will grant then, that the Pope is infallible in his private judgment, with respect especially to the articles of faith ; this sort of knowledge being necessary for that dignity to which *Jesus Christ* has rais'd him ; but I don't believe that because he is a Pope, he pretends to be a learned physician, or an able mathematician, which are sciences no more necessary to the office of a Pope, than the knowledge of all the languages which the apostles knew, or of all the sciences taught by *Aristotle*.

I believe that the advocates for the Pope will be so ingenuous as to own, that tho' the Pope, by virtue of a privilege, which he derives from *St. Peter*, cannot, thro' ignorance, mislead the christian flock, yet he may lose himself, and err in his own understanding, and in other things that are not absolutely necessary for faith in *Christ* ; and this confession may
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serve as a foundation of the decision of the present question.

All the Councils, and especially that of *Trent*, distinguish nicely between the divine law, and that which is positive. He who transgresses the divine law, is more guilty than he who breaks the law of man ; tho' such is the lamentable perversion of the times, that some human precepts are more religiously observ'd than the commands of God. Thus men are more careful in abstinence from meats, and keeping solemn feasts, than in guarding against fornication, or taking the name of God in vain. This proceeds from the weakness, or rather ignorance of the vulgar, since the divine commandments ought to be most strictly observ'd. We may therefore conclude, that infallibility is a privilege not to be deny'd the Pope, with respect to articles of faith, that are absolutely necessary to salvation ; but not with respect to the constitutions of positive law, which tend to maintain christianity, but are not absolutely necessary for that end. The Pope's piety would contribute very much to it ; but tho' he does not happen to be pious, he is nevertheless Pope, and the lawful head of the christians as such. It must also be consider'd, that the divine law is unchangeable, because God is not subject to change, whereas the canon laws may be alter'd or annull'd, according to the circumstances of times and persons, which is a proof that infallibility has

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no share in the establishment of such laws; for if it had, they would not be liable to alteration. But 'tis not so with faith and its articles. No body can be exempted from believing them, nor can the sacraments themselves be chang'd, for the Pope cannot dispense with what God explicitly obliges us to. He cannot alter either the matter or form of the sacraments, tho' he has taken the liberty to do it in some cases, nor can he augment or diminish the number of them. 'Tis true, the Pope often decides matters of faith; but then his decision is not arbitrary, and he does not prescribe such or such a duty merely of himself, but only declares and interprets the will of God in such a manner as seems to be correspondent with the faith. For the maxim in civil law, *illius est interpretari cujus est iura dare*, i. e. *the interpreter of the law ought to be he who is the law-giver*, is not admitted in things divine. So that tho' the Pope has a right to interpret, he cannot make one single article of faith. 'Tis therefore undeniable that God has endow'd him with sufficient light for such an interpretation, and 'tis in this sense that *Jesus Christ* promis'd his constant assistance to the apostles, when he said, *I am with you until the end of the world*. God enlightens him with his holy spirit, that he may chuse the best opinion, and every christian, whether prince or subject, is oblig'd to receive those decisions. This sort of infallibility is annex'd, and hereditary to
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the papal dignity, but does not extend to canonical decisions and decrees, that have a regard only to positive law. For in this respect the Pope may err, because constitutions of this sort are often alter'd and annull'd, and one Pope may undo what was done by his predecessor, as has happen'd more than once, and as is set down in the Councils. Indeed the courtiers of *Rome* pretend not to credit it, because they would fain make the people believe, if possible, that all the actions of the Pope are above censure, for that he is infallible; but men of learning, experience and honesty, are not to be perswaded into the belief of such a notion.

Let no one charge me with endeavouring to retrench a privilege which I own to have been granted to the Popes, because I deny that the said privilege extends to cases of positive law. The confession I make on this account, is not confin'd, and flows from a strong and lively faith, because I own the said privilege has for its object the articles of faith; the knowledge of which is so difficult for the wit of man to attain to, and about which 'tis so easy to be mistaken. How many are there that have quite lost their sight by poring too curiously upon this sun of truth, and how many are become like to the beast in the *Revelations*? the *Pagans* are highly commendable for their moderation in this respect, of which they have left us several instances in their fables. Among
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other representations, they present us with *Ætæon* turn'd into a stag, and torn to pieces by his own dogs, for endeavouring to steal a sight of *Diana's* nakedness; and when old *Rome* had a being, a soldier was hang'd for his curiosity in inquiring who was the tutelar God of his country. In matters of faith, 'tis better for him, to whom the care thereof is not committed, to be contented with a moderate knowledge, than to endeavour to penetrate thro' them with the eyes of a lynx, for faith and knowledge are as opposite as the *Antipodes*; and he who pretends to prove the principles of the christian faith by human reason, is not a great way off from an heretic.

These last reflections will undoubtedly be very pleasing to the court of *Rome*, who will perhaps retort them upon my self, as if I pretended to be wiser than is convenient, because I put the learning of the Pope in the balance, to see what it weighs; but I sincerely declare I have said nothing but what I verily think in my conscience to be true; and that the setting truth in its due light has been the sole view of all my inquiries. I don't presume to undervalue the Pope's abilities, and I should be rash to a degree, if I should so much as question one of his decisions in matters of faith; but then, on the other hand, I should be a very impertinent fool, to adore him upon this account as a God, and it would be impiety in me to make that an article of faith, which is
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not so. In a word, I ought to pass for the rash-est of mankind, if I should presume to explain an obscure article of faith; but I will never be oblig'd to regard that as an article of faith, which has a relation only to political government.

I have read somewhere, that he who pretends to publish false miracles deserves to be excommunicated, and I profess it would be a great miracle to find out an infallible man, who has committed many faults. *Solomon*, who acquir'd his great wisdom by contemplating that deity which was reveal'd to him in a dream, wrote very pious things, worthy to be recorded, as they are, in the holy scriptures, for the instruction of two select people, those under the law, and those under grace; yet how unhappily did this man fall, in so much that he turn'd idolater? Therefore 'tis not a necessary consequence, that because a man is master of one science, he understands all, much less that he is infallible in his actions; for a general cannot be form'd out of a particular. The Council has decided, that the sacrifice is always pure and spotless, tho' the priest who offers it be unclean and polluted, because God purifies him in the very act of administering, tho' of himself he remains in his former faults, and even in greater, forasmuch as he approacheth the altar unworthily. I believe likewise that the Pope has a clear and determinate knowledge as to the doubts in matters of faith, but that in other parts of knowledge he is subject to error and mistakes as well as others.

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PART



PART II.

The application of the general propositions in the first part, to the Quarrels betwixt the court of Rome and the republic of Venice.

IN the twelve foregoing Chapters, I have sufficiently shown how far sovereign princes ought to carry their respect to the Pope, and their submission to his authority, without insisting on the unjust pretensions of the court of *Rome*, for setting up the Pope in place of the old *Roman* emperors, who assum'd a sovereignty over both princes and priests, and for engaging christians in the observation of ancient rites and customs, as is used at that of the adoration of the Pope, whose mouth they will have to be the infallible oracle of all the laws and statutes upon earth,
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a thing which they can prevail with none to believe, but the weak and the stupid, or such students as dare not say their souls are their own. After having establish'd the boundaries to which the one ought to carry his authority, and the other his obedience, it may be necessary to make a brief application of all those general maxims to the particular points in dispute between the court of *Rome* and the most serene republic. Those general maxims, thus proved and demonstrated, shall serve as the *major* proposition of the argument, and the present controversy as the *minor*. I shall leave the judicious reader to make his own inference, and to be the judge whether I have made good my promise in the introduction to this discourse, to shew that, considering the good conduct of the republic in the present case of *Paul Vth's* pretended interdict, all the citizens of *Venice* ought to be very easy, and may enjoy a good conscience. For order sake, and for the ease of the memory, I shall in the first place give a short recapitulation of the contents of the former part of this treatise.

I own'd without reserve, that the Church; the Pope, and other prelates invested with the pontifical dignity, have a right to excommunicate; but at the same time I demonstrated, that in order to excommunicate any one with justice, 'tis necessary that the action for which it is inflicted, be a mortal sin, otherwise the whole structure of excommunication falls to the
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ground. That when a free sovereign, or other person of illustrious rank, is to be excommunicated, the sentence ought to be pronounc'd by a prelate who has no dependance upon any other, or who is at least upon a level with the prince accus'd, upon the foot of his own, and not a deriv'd or precarious authority. I likewise prov'd, that an appeal may be made against excommunication, because the same being only a sentence founded upon the opinion of man, he is liable to be deceiv'd by false appearances; consequently, that every one has a natural right to have recourse to this way of appeal as often as he finds himself injur'd by such a sentence. I have also demonstrated, that sovereign princes cannot be excommunicated with justice, but when they are found guilty of holding opinions different from the catholic Church, in the articles of faith, or in things repugnant to the true interests of the Church, or to the propagation of the faith. That in case the excommunication is fulminated by the Pope himself, the sovereign has a right to appeal from it to a general Council, who in this respect is superior to the Pope. That tho' the grievances complain'd of by the court of *Rome* against a sovereign be of such a nature as manifestly to deserve excommunication, and to be of the same class with those just now mention'd, viz. the hindring the progress of the faith, or corrupting the purity of it; yet to such excommunication there ought

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in no wise to be added the clause of deprivation of temporal dominions, if they are possess'd in their own right, and not by fief; from whence it follows, that since this is not practicable with respect to a prince who is sole and absolute sovereign, it would be much less tolerable by an independent republic. That the infringement of ecclesiastical liberty deserves censure; but care must be taken to measure the crime by the true interests of the Church, and not by the interests of the clergy; because there is an essential difference between the Church and the clergy, not only in the thing consider'd in it self, but also on a political consideration. That there are many important arguments to prove, that the Church does not possess temporalities by divine right, and that the Pope has no greater privileges on this score than other temporal free sovereigns. That a free sovereign has a legal right in himself to raise the ordinary tenths upon the estates of the clergy, and to exact from their persons and estates, for the service of the public. That, moreover, if any clergyman be guilty of secular crimes, that is to say, such as have no relation either to the administering of the sacraments, or to the doctrine of faith, the said offence shall be cognizable by the lay-tribunal of the temporal prince. And lastly, I shew'd that the Pope's judgment, which the courtiers of *Rome* cry up so much for infallible, is only so, when he declares the articles of faith, and administers the sacraments; but that it does
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not extend to positive laws, in regard to which his judgment is as liable to the danger of error as other mens, and by consequence subject to correction and retraction, therefore not infallible, but disputable and revisable.

This is the substance of all that I have hitherto proved, without making mention of the most serene republic. Therefore 'tis but natural for us now to take a view of the grievances which the court of *Rome* complains of against her, and see whether or no they are just, and whether the remedies made use of by the republic are not honourable and necessary; and supposing they are so, whether every one that lives in the city of *Venice* may not be easy, considering the conduct of the republic, in the case of the interdict.

Were we indeed to bring again upon the stage those disputes which have a relation to the present grievances, and have been already decided, we should never have done, and the controversy would hold to eternity. Therefore insisting on what we have before determin'd, it will be easy to shew that the republic, far from arrogating what does not belong to her, has pass'd over a multitude of things which she had a right to expect, by virtue of her free, absolute, and independent sovereignty; and which are already establish'd by law. For proof of this; it is establish'd that every free sovereign has a right of himself to raise the ordinary tenths upon the estates of the clergy;

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but the most serene republic does not make use of her right, and while other princes are commonly forward to plead their independency, by laying hold even on the most minute occasions to extend their rights and power, the republic modestly stands off at a distance, to shew her filial obedience to the holy See, and only desires an *indulto* for raising the tenths once in every five or seven years. If this be not an evidence of her extraordinary moderation, nothing is; yet the court of *Rome* makes a heavy outcry, and complains of the following grievances.

I. That the republic hinders the giving of lands to Regular Monks and pious places.

II. That they permit the prescription of the estates of ecclesiastics in favour of those who only rent them, and thereby improve such rents to a title of property.

III. That the secular tribunal concerns itself in the trial of all ecclesiastic criminals, and meddles with all the civil interests of persons ecclesiastical.

IV. That bishops are hinder'd not only from prosecuting the laity as malefactors, for crimes cognizable by the mixed courts, but even from punishing the clergy when convicted of scandalous crimes.

V. That bishops are hinder'd from visiting frieries, hospitals, holy places, mounds of piety, and the like.

VI. That

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VI. That the college meddles with the trial of causes in matters beneficiary ; and when any one has applied to the court of *Rome*, they oblige him to a renunciation *ab impetratis*, i.e. of the decrees there obtained.

VII. That they are for subjecting the clergy to the ordinary taxes, and other imposts laid upon the laity.

VIII. That the regular Clergy are hinder'd from obeying the constitutions of their order and chapters, by being oblig'd to confer their prelatical dignities upon such as are natural born subjects of the republic.

IX. That when any dispute happens among the friers themselves, they are forc'd to put in an appearance in the temporal court, instead of the tribunal of the apostolical nuncio.

X. That those who have a bishoprick, or other prelatical dignity, confer'd upon them by the court of *Rome*, are oblig'd to beg and pray to the Council, for the possession of temporalities, and that every bishop is forced to be pre-cognised by a *Venetian* cardinal, before he can expect to obtain possession of the vacant See.

XI. That they meddle with what relates to pensions ; and be they ever so much establish'd and approv'd, the secular court grants their protection to debtors that refuse to pay them.

XII. That the ordinaries of places are hinder'd from fulminating excommunication, in cases prescrib'd by the canons.

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XIII. That if any one having a call, takes upon him a religious habit, they either expel him upon the least complaint of his parents, on pretence of his being seduced ; or else let him stay in the monastery, and authorize the parents to keep his estate.

XIV. That schismatics, heretics, notorious whoremongers and usurers, are suffer'd to live quietly and peaceably at *Venice*, and the prelate is not permitted to excommunicate them, or to punish them in any other way.

XV. And to say all in a word, the ecclesiastical authority is depriv'd of all jurisdiction that legally belongs to it.

To these they add the violences, as they think fit to call them, practis'd upon those that fall in the gulph, by forcing such as carry provisions, instruments, animals, salt, and the like goods, that pass thro' it into the rivers of *Romagna*, to pay great imposts.

These are the gross of all their complaints. Great cry, but little wool ; and more tare than grain ; so that 'tis necessary to sift it, in order to separate the one from the other, for fear that mistaking the tare for the good corn, it might, instead of giving nourishment, send up vapours and intoxicate the brain, which are its peculiar qualities.

In the first place, let it be observ'd that all disputes of this nature are but of yesterday, and were never so much as heard of in the age
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of the apostles. 'Tis true that some heresies were broach'd at that time, which were follow'd with discussions and decisions, both by some of the apostles in particular, namely, *St. Peter* and *St. Paul*, and by all in general, when the whole apostolical college gave their opinion in council with others of the faithful. At that time, disputes turned upon matters of the last importance, it being necessary there should be heresies to follow the truth, as the shadow always does the light, for the better distinguishing the true belief from its contrary. *There must be heresies; and it must needs be that offences come,* says the scripture. But there is not the least mention in those sacred writings, of any disputes concerning positive law; and if there were any in later times, they made no great noise. *St. Epiphanius* having given holy orders to some clergymen in the diocese of *St. Chrysostom*, archbishop of *Constantinople*, whose See was afterwards erected into a patriarchate, it rais'd a dispute among them, which at length came to no more than this: The archbishop says to *Epiphanius*, *O holy man! since thou hast done this, I believe thou wilt never get back alive to thy bishoprick;* and *Epiphanius* reply'd, *O just man! I don't believe thou wilt die in thine.* The prophecies of both were verify'd; for *Epiphanius* dy'd in his voyage to *Jerusalem*, and *St. Chrysostom* dy'd in exile. Things would not certainly be so easily accommodated in these our days. If the jurisdiction of a prelate

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should be invaded, he would fulminate a terrible excommunication against his brother, and not lay down his arms, till he had receiv'd compleat satisfaction. One might be inclin'd to think that only clergymen would be concern'd in this kind of quarrels; but it will appear, upon due reflection, that a multitude of cases may possibly happen, which princes cannot avoid being concern'd in; as for instance, when the person excommunicated is the subject of another sovereign, and if such person, in obedience to the excommunication, abstains from his pastoral functions, then his diocessans will be without a pastor. Mean time the prelates of our days cannot reproach those of antiquity with a want of zeal for the glory of God, because they were all holy men, and the greatest part of 'em have been crown'd with martyrdom; but our modern prelates are not animated so much by a zeal for God's glory, as for the observation of positive laws. Whoever reads *St. Paul*, will see that he took the liberty to determin articles of faith, as when he enjoin'd the *Galatians* to abstain from circumcision, adding this reproof to his exhortation; *O foolish Galatians, who hath bewitch'd you that you should not obey the truth?* because circumcision was introduc'd among the faithful. He also prescrib'd many other things to the churches of *Greece*, and the provinces of the *Levant*. Mean while he was far from having the primacy, or superiority of *St. Peter*, and

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was not made an apostle by *Jesus Christ*, whom he had never seen in his incarnation, but was only call'd to be an apostle, as himself owns. Nevertheless, all his decisions were assented to by the other apostles, who had nothing of this spirit of envy among them about jurisdiction, wherefore *St. Peter* wrote to them after this manner. *Be diligent that ye may be found without spot, and blameless, even as our beloved brother Paul also, according to the wisdom given unto him, hath written unto you; as also in all his epistles, speaking in them of these things, in which are some things hard to be understood, which they that are unlearned and unstable wrest, as they do also the other scriptures, unto their own destruction.* This was the manner in which *St. Peter* approv'd of *St. Paul's* decisions, without being angry with him for offering to determin any points of faith. And the sole aim of those times was the establishing of sound doctrine, and necessary ceremonies; but as for positive law, it was either unknown to them, or not at all minded, the natural tendency of it being rather to procure splendor to the dignities and persons of the clergy, than to contribute to the salvation of believers. Those who have read *St. Paul's* writings with the least attention, cannot but observe that he did not care for the large perplexing volumes of the law. All his instructions perswaded to mutual love and good manners, and when he spoke of the law, it was in these terms: *I had not known sin but by the law;*

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law ; for I had not known lust, except the law had said, Thou shalt not covet : But sin taking occasion by the commandment, wrought in me all manner of concupiscence ; for without the law sin was dead, for I was alive without the law once, but when the commandment came, sin revived, and I died. I do not pretend to infer from thence that there should be no such thing as positive law, but only that the fewer there are in number, the more useful they will be, and the better observ'd.

We don't find that the apostles made any other decrees besides those containing the precepts of faith, tho' methinks it might have been thought necessary to establish by decrees the authority of prelates, the limits of obedience, jurisdiction, and the like things, which were the more needful then, when this spiritual dominion was first introduc'd. Yet nothing of all this was done, because they were persuaded that the good example of the prelates would incline their flocks to a voluntary obedience. Besides, the multiplicity of laws may be compared to nets ; for the more laws there are, the more must be the transgressions, and the multiplication of laws is only multiplying the occasions of disobedience. This was a truth known even to the ancient heathens. The *Locrians* permitted none among them to propose a new law without this formality, viz. that he who propos'd it, should appear in council with a rope about his neck, and if his

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motion was received, they took the rope off; but if it was rejected, he was strangled with it on the spot, as a favourer of innovations. The inhabitants of the *Baleares Islands* had only seven laws, under which they lived happily above five hundred years, and one of those laws was against making any new one. The Council of *Trent* made many regulations for putting the old laws in force, but did not abolish that for prohibiting the marriage of priests, tho' it was propos'd. Now I say, this ancient prohibition tends to the saving of the soul, or it does not. If it does, why should it be abolish'd? if it does not, why was it ever establish'd? I know the answer will be, that the consideration of human frailty was the motive of the proposal's being debated. But then I infer, that this is a plain confession that the said prohibition did more harm than good. And as in this, so in other the like cases, 'tis a constant observation that the great number of laws occasions a great number of errors, which is acting contrary to that christian charity which the clergy ought, by their example, to promote in the hearts of the laity; for 'tis not he that has been jealous and watchful of the jurisdiction, and respect due to him, that will be reckon'd a good clergyman at the day of judgment, but he that has gain'd souls to heaven. Pope St. Gregory has left us a terrible, but very true saying, *Mercenarius est qui locum quidem pastoris tenet, sed lucra*

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cra animarum non quærit, terrenis commodis inhiat, honore prelationis gaudet, temporalibus lucris pascitur, impensa sibi ab hominibus reverentia latatur, i. e. Mercenary is that wretch of a pastor, who does not seek the gain of souls, but gapes after the conveniencies of this life, feeds on worldly lucre, and prides himself in the honour of prelacy, and in the reverence paid him by his fellow-creatures. And St. John Chrysostom, speaking of pastors, adds, Quod abjectum erat non reducebant, neque quod perierat quærebant, neque confractum alligabant; quoniam se, non gregem pascebant, i. e. They did not bring back that which was cast away, nor seek that which was lost; nor did they bind that which was broken, because they fed not the flock, but themselves. And St. Paul speaking of all, says, For all seek their own, not the things that are Jesus Christ's; and to shew the abhorrence one ought to have for innovations, he says to the Galatians, But though we, or an angel from heaven, preach any other gospel unto you than that which we have preach'd unto you, let him be accurs'd. Which signifies that neither himself, nor even an angel, had authority to alter the written word of God.

'Tis reported of St. Thomas of Canterbury, who was persecuted by Henry II. King of England, that one day, while he was officiating in the Church, a gang of assassins came with a great rout towards the Church, in order to murder him. The officers of the Church ran immediately

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immediately of their own accord to keep them out, and shut the gates very fast; but the holy prelate order'd them to be open'd, saying, *Eccl'ia Dei non est custodienda more castrorum*; and he offer'd himself to the assassins, chusing rather to fall by their cruel hands, than to defend himself according to the custom of persons now-a-days. O happy and venerable antiquity, when the tongue, the hands, words, and actions, all join'd together in one accord! I no longer wonder that St. Paul wrote with so much boldness to the *Philippians*, *Those things which ye have both learned and received, and heard and seen in me, do; and the God of Peace shall be with you.* For at that time the prelate's innocency was their natural protection, so that they needed no laws for their guard.

There's not a frier of any order, but hopes to obtain salvation by a regular life; and indeed the more exact they are in this particular, the more assurance have they of being saved. But how many are, 'tis to be fear'd, damn'd *within* a monastery, who might probably have been sav'd *without* one? You see by this, I don't spare my own cloth. A monk engages himself voluntarily to an infinite number of duties, which if he performs, he merits, and is sav'd; but if not, he sins, and is damn'd, while he may thank himself for it, by voluntarily charging himself with such a multitude

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of obligations. In like manner, the laity may say that many laymen die guilty of the breach of positive laws, who had not been criminal if such laws had not been establish'd ; for as St. Paul says, *without the law, sin was dead* ; so that if this had been the case, they had not died disobedient. St. Ambrose speaks still more clearly, *Sunt in nobis qui habent timorem Dei, sed non secundum scientiam, statuentes duriora præcepta, quæ non possit humana conditio sustinere : Timor Domini in eis est, quia videntur sibi consulere disciplinæ opus virtutis exigere, sed inscitia in eis est, quia non compatiuntur naturæ, nec existimant possibilitatem, i. e.* There are those among us who have the fear of God in their hearts, but not according to knowledge, imposing harder precepts than the condition of man can bear : The fear of the Lord indeed is in them, because they think that while discipline is their study, they are only requiring a virtuous act, but then they are grossly ignorant, because they don't consider the frailty of human nature, nor the possibility of the thing injoin'd. For my own part, I must say with David, *Set a watch, O Lord, before my mouth, and keep the door of my lips* ; for I am cautious of saying too much, for fear of giving offence ; but the testimony which is due to the truth, obliges me not to be altogether silent. Whoever reads the ancient and modern canons, will find that next to heresy, they treat nothing with more abhorrence than simony ; and there's a great deal of reason for

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it, because, as *Adam's* disobedience is set down as the first sin under the old law, so the wickedness of *Simon* the forcerer, who would have purchas'd the gifts of the holy spirit with money, is reckon'd one of the first rate crimes under the new testament dispensation; and from his name this crime was call'd simony.

Now is there any possibility of concealing from the whole world that horrid crime of simony, so much forbid by the sacred canons, and by all the Councils, especially that of *Trent*, when every body knows the valuation of every benefice, prelacy and bishoprick? the good fathers of that Council foresaw that the wit of men would not be at a loss to invent some specious titles or other to justify the raising of sums for the composing and signing of bulls; and therefore, to prevent all manner of juggle, they decreed that no more than the eighth part of a gold denier should be given or receiv'd for a bull or seal, and for the soliciting and dispatch of briefs. After this, how can we reconcile the law with its execution, or the command with the obedience it requires? I am not willing to make use of that trite proverb, which is in every one's mouth, *That there is no greater evil than evil itself*, nor will I say that simony is criminal every where but in the court of *Rome*; for such an imprudent assertion as this would discover the grossest ignorance of the mind of God, who makes no distinction betwixt persons, and in whose balance the plebeian

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beian weighs as much as the nobleman, the subject as the sovereign, the layman as the prelate, and the prelate as the sovereign pontiff; and if there be any difference at all, 'tis this, that God will weigh him most strictly in the balance, who has the more obligations to discharge, the higher he is advanc'd in dignity. Perhaps some will say, that these reflections are foreign to the matter in hand, and that I only shew my spite against the court of *Rome*, by saying every ill-natur'd thing that I can invent to their prejudice; but I take God to witness I act upon a quite different principle; and it will appear by and by, that these reflections were not malicious, but absolutely necessary. The court of *Rome* are daily reproaching sovereigns, and the most serene republic more than any one besides, with non-observance of the canons, which they argue is not only a sin, but a most hateful obstinacy, deserving both censure and excommunication. But I cannot help saying, that I wonder how they dare to plead the indispensable obligation of submitting to those canons, while they themselves either break them, or else with manifest contempt evade them. Evil is always the same, and the Pope has not a better road to salvation, with respect to his own actions, than every other christian. *Thy righteousness endureth forever, and thy law is truth*, says the Psalmist. If therefore simony, nay, I may say any species of it, or any of its consequences, is a crime

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crime in a poor prelate, why should it not be the same crime in the chief of all prelates? To maintain the contrary, is to do like some physicians, who, upon the most trifling ailment, prescribe such potions as they never care to take themselves. *Solomon* says, *Horribly and speedily shall he come upon you, for a sharp judgment shall be to them that be in high places.* I have not made these reflections on simony, with a view to accuse the court of *Rome*, but only to diminish the authority of the canons in point of positive laws, to which canons obedience is challeng'd from those who had no hand in making them, while 'tis pretended those who had are exempted from that obedience. *Bede* observes that *Christ* drove those that sold doves out of the temple, to give us to understand that such as are partakers of the holy spirit, of which a dove is the emblem, ought not to be either buyers or sellers, according to that clause, *quam multi de altari accipiunt & moriuntur, & accipiendo moriuntur.* Which made *St. Jerom* say, *Vae vobis miseris ad quos phariseorum vitia transferunt, i. e. Wo to you wretches, who have fallen into the vices of the pharisees!*

Since therefore, according to the *Romish* courtiers, the canons may be so explain'd as to take off the obligation of observing, or obeying them, a prince ought not to be excommunicated for disobeying the canons, when he finds them prejudicial to his state. The ca-

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nons are the handy-work of the clergy, who form them as much as possible to their own advantage. Now for legislators to make a law for their own conveniency, and to expect obedience to it, not from their own subjects, but from free princes, would be the height of insolence on one side, and blind obedience, or rather stark blindness on the other. I know it will be objected, that when a Council is held, all the princes who receive such Council, do thereby approve all its decrees. I grant, they do indeed approve them, but 'tis with a proviso that they do not turn to their prejudice, for 'tis not to be suppos'd that any one would willingly injure himself for another's benefit; but on the other hand, if a prince refuse to receive such Council, he is presently accus'd of obstinacy, disobedience, and contempt of the canon law.

But here I would be glad to know one thing. Why are more indulto's and privileges granted to one prince than to another, by which means the one's disobedience is branded as sinful, and the other's not? Does not this making fish of one, and flesh of another, signify, that sin, which draws everlasting damnation along with it, depends meerly on the good will and pleasure of the court of Rome? But will any one make us believe that God falls in with the passions of some, to save or damn others, since we are all alike redeem'd with the infinite price of *Christ's* precious Blood.

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The *Greek Church* never grants Dispensations. If any one desires his prelate to discharge him of a burden which he has not strength enough to bear, the prelate says to him: "If your weakness is real and sincere, the righteous God will pardon you, tho' you do not fullfil the law; to what purpose then should I grant you a dispensation, since, in that case, some would be bound by the law, and others left free? But if you are under such a predicament as the legislator would undoubtedly have excepted, if he had foreseen it; you may act with a safe conscience, for God does not require impossibility of you: On the contrary, if your case be such, that if it had been foreseen, it would not have been excepted, and you desire the favour, or privilege of such exception, this would be to desire God to be partial, who is one and the same to all mankind." Such then is the behaviour of the *Greek* pastors, and whether it be owing to this, or to their poverty, or to their abhorrence of whatever favours of temporal dominion, 'tis certain they have no innovators among them, and they continue unanimous and unchangeable in their opinions

Before the Popes of *Rome* had any temporal dominion, they expected no more of christians than a plain honest faith, with the use and veneration of the sacraments; but when, by the generous liberality of sovereigns, they

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became princes as well as they, instead of bounding their power, they augmented it as much as possible, and not content with despotic sway, either in their temporal or spiritual government, they were fond of extending their secular authority into the dominions of other sovereigns, and set up to be oracles of faith for the whole christian world.

When a prince, for any reason of state, or government, declares war against any other that is his equal, he would be accountable for his conduct only to his own conscience, and to God, *who searcheth the heart, and trieth the reins, and will render to every man according to his works*, and is not to be reprov'd for it by the Pope, who, as he is the common father of the Church, seems to have no other authority in that quality, than to defend the just, protect the weak, and oppose the rash and litigious aggressor. Yet the Pope is not bound by these ties, and we don't find that he ever excommunicates a prince for attacking another unjustly; whereas, if a prince happens to lay claim to any of the territories of the sovereign pontiff, which are not yet lawfully devolv'd to his holiness, or which he possesses by ancient usurpation; and if the prince seeks to do himself justice by force, the Pope immediately proceeds to excommunication, tho' all the prince's fault is his endeavouring to procure that justice by force of arms, which he could not obtain by good words. But if, on the other hand, a
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prince happens to attack another whose dominions are either totally, or but in part fiefs of the holy See, the Pope immediately takes the field with letters monitory, and the thunder of excommunication, especially if the aggressor is weak, or has his hands so full of another war at the same time, that he is not able to revenge the injury, and to cancel the sentence with the point of his sword ; in which unhappy case indeed he must be content with the bare declaration of war. Now I desire to know the cause of this different conduct, and of this confounding the spiritual and temporal weapons together. Why should excommunication be issu'd to hinder injustice, when dominions are invaded, which do not own the Pope's sovereignty *in temporalibus* ? When a medicine is known to be good and wholesome, it ought in charity to be distributed to all that suffer for want of it ; since to give it to one, and to deny it to another, would imply that those who have it to bestow, are mighty desirous to prolong the life of the one, and that the preservation of the other is the least of their thoughts. It must therefore be confess'd, that this variety of conduct is the fruit of the Pope's temporal sovereignty, and that if he was still in that primitive state, which was instituted by *Christ*, and kept up to by the apostles and their successors, for several centuries, he would not trouble himself to guard his temporal dominions with spiritual weapons, as not thinking he

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ought to defend them after the manner of castles.

I would know whether the advocates of the court of *Rome* assent to the truth of that maxim, which is in the mouth of all politicians; viz. That when a prince attacks another, after declaration of open war, the prince who is attack'd, may, by right of necessary defence, not only oppose his attempts, and hinder him, sword in hand, from breaking in upon his dominions; but also, if it happens that in the dispute he should make himself master of a part of his enemy's territories, he has a right to keep the said acquisition as the lawful prize of a just war. This is the maxim of all politicians; and if the gentlemen of the court of *Rome* will assent to it, I ask, if any feudatory duke of the holy See should fall upon a free prince, and thereby give him occasion to fight and overcome him, and to seize some fiefs of the Church, whether the conquering prince would be oblig'd, or no, to restore them? Mean time, I am fully convinc'd, that if the restitution be not speedy, the thunder of excommunication would soon rattle over the head of such prince, how contrary soever such a proceeding would be to the maxims of christianity. This was the very case of the most serene republic; which falling into a rupture with the duke of *Ferrara* in 1480, in the time of Pope *Sixtus IV.* the Pope himself improv'd the quarrel; they fell to blows, and the *Vene-*
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tians went and took *Ferrara*, which the republic would have kept as the lawful prize of a just war; but immediately the Pope had recourse to an interdict, and the republic thought it most adviseable to restore their conquest.

I say therefore, that these canons, and these positive laws, are a sort of militia which the Pope keeps up for his own ends, without any charge to himself, and which he makes use of when it is for his interest, but disbands when they are not for his purpose. *St. Anthony*, Archbishop of *Florence*, in his account of the losses sustain'd by the *major* excommunication, says, that a person excommunicated cannot be promoted to any ecclesiastical dignity, or office, on pain of having it declar'd null and void, and that neither can he be marry'd without sin. This is a rule laid down by him as the constant effect of excommunication. All heresies whatsoever, and their favourers, are plac'd at the head of the persons excommunicated by the bull *in cæna domini*. On the other hand, *St. Anthony* refers to an *extravagante* (which is a Pope's decree tack'd to canon law) whereby a person is excommunicated for pretending to be lawfully elected a Pope, when he has not two thirds of the voices of the cardinals at the conclave; and he adds, that this is the only fault that can be charg'd upon a Pope elect; for if he had the majority of suffrages, the election would be valid, tho' he were a heretic, provided he be dispos'd to reform; and indeed it

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was by virtue of this liberty, that *Aeneas Silvius*, tho' an heretic, was elected Pope by the name of *Pius II.* but as soon as he was got into *St. Peter's* chair, he recanted, and retracted every tittle of the heretical propositions which he had written, and which are still to be seen in the catalogue of prohibited books. Now say I, if every heretic is excommunicated by the bull *in cana domini*, and if every excommunicated person is disabled from being invested with any ecclesiastical dignity, how, according to the strict sense of the canons, can a person be deem'd as a Pope lawfully chosen, who is disqualify'd from being promoted to the dignity of a prelate, or even trusted with the cure of a village? Be the answer what they please to make, for my own part, I cannot compare excommunications, that are fulminated on account of positive law, to any thing better than Gunpowder, which makes a noise indeed, but does no execution.

Having now discours'd on these general topics, we proceed to a particular examination of the complaints of the court of *Rome* against the most serene republic.

After the court of *Rome* had drawn up a long list of grievances, they reduc'd all those contumacies (as they were pleas'd to call them) to this single one, *viz.* The keeping the ecclesiastical authority in slavery in all the chief points of its jurisdiction, and cramping it in its rights and prerogatives. If the whole controversy

controversy turned upon this single point, and were to be determin'd in a few words, one need only give the substance of what was deliver'd in the former part of this work, by alledging in short, that all the superiority which can be lawfully challeng'd by the Pope in those territories, which are not in his domain, amounts only to his being the oracle of faith, in the use of the sacraments, in the purity of doctrine, in the propagation of christianity, and the like. In all these things, he has a right to command all that have receiv'd the seal of baptism, and every christian is oblig'd to obey him, and to submit his own sentiments to those of the Pope; and if any refuse such subjection, they deserve to be rebuk'd, and spiritually chastiz'd, even with the thunder of excommunication. But if the grievances run in another channel, and do not concern the Church, but the clergy, 'tis no wonder that a free prince, who owns no superior but God, should have the courage to prevent a state from being set up within his own dominions, and to hinder his subjects from being cited, by favour of a metaphysical distinction, to a foreign tribunal, which, if it should once come to be establish'd, might pretend at length that the prince himself was subject to it. 'Tis certain, that if a prince should pretend to be offended, because he is not obey'd by those who are not his subjects, neither by birth, hire, nor residence, his conduct would be thought very
harsh

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harsh and disagreeable. But the court of *Rome* would have it given up as an indisputable point, that the Pope has of himself a lawful authority to command every body in what place, or on what account soever, especially where the Church, or even any ecclesiastical person, is in the least concern'd. And when this principle is establish'd, they would have other questions discuss'd in their turn: As for instance, Whether 'tis lawful, or not, to hinder the estates of the laity from passing under the dominion of the clergy, and so proceed with such grievances to the end of the chapter. If this were the case, their dispute would soon be at an end, for admitting this article of law, all the rest would be only matters of fact, easy to be prov'd; and he must be a fool and a madman, that should first own a power in the Pope to command all the states of christendom, and then say it is no crime not to observe his canons, and receive his interpretations. But the dispute must be manag'd after another manner; and in the first place, let the gentlemen of the court of *Rome* consider who made the Pope, and undoubtedly they will own it was *Jesus Christ*; then let us inquire what authority he gave him, and we shall find by the language and practice of the apostles, and the pontiffs of the primitive Church, after what manner they interpreted that authority, and what bounds they gave to it. If in the gospel, or the conduct of *St. Peter*, and his many pious suc-
cessors,

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sors, there is the least footstep of an authority exercis'd after the manner of lay-princes, if there be any promise of temporal domain, such as the Pope now possesses, or any kind of superintendency over the dominions of another, then they would have reason for managing the dispute as they do, and I will own with that ingenuity I always profess'd, that the Pope has more property due to him, under the denomination of lay-sovereignty, than he has ever usurp'd of what belong'd to others. But 'tis certain, as I have shewn in the former part, that there's no text nor custom that gives the least authority for such pretension ; and therefore, if they will nevertheless urge the belief of it, they must look out for such persons as will take all they say for gospel. On the other hand, it has been evidently demonstrated that a lay prince derives his free and absolute authority from God, and this is a truth so notorious that Christ himself acknowledges it in the person of Pilate, representing Cæsar. *Thou couldest have no power at all against me, except it were given thee from above ;* and St. Peter afterwards recommends it in these terms, *Servants be subject to your masters with all fear, not only to the good and gentle, but also to the froward ; for so is the will of God.* St. Paul, in his Epistle to the Romans, says, *Let every soul be subject unto the higher powers ; for there is no power but of God : The powers that be, are ordained of God. Who-soever therefore resisteth the power, resisteth the ordinance*

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ordinance of God ; and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil : Wilt thou then not be afraid of the power ? Do that which is good, and thou shalt have praise of the same. For he is the minister of God to thee for good : But if thou do that which is evil, be afraid ; for he beareth not the sword in vain : For he is the minister of God, a revenger to execute wrath upon him that doth evil. Wherefore ye must needs be subject ; not only for wrath, but also for conscience sake. For, for this cause pay you tribute also ; for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues ; tribute to whom tribute is due, custom to whom custom, fear to whom fear, honour to whom honour.

Since therefore the gentlemen of the court of Rome have heard how fully and distinctly St. Paul has explain'd himself in favour of lay-sovereignty, without exempting any one whatsoever from obedience or tribute ; let them see to it, how they can pretend to exempt a great number of a prince's subjects from obeying his commands, and paying him the tenths. The free authority of a prince in his own dominions is a general rule, which, whoever opposes, ought to prove his special privilege. 'Tis an unfair way of arguing to say that a lay-prince, who claims jurisdiction over the estates and persons of the clergy, ought to produce an indulto for it from the Pope ; for the argument might

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might justly be retorted upon those who use it, by saying, that since a prince is the protector of his own country, the Pope, who pretends to exercise his authority in another's country, is oblig'd to produce a plain text to prove that *Jesus* granted it to him by his almighty power, or at least that he must shew an authentic testimony from the apostles and ancient fathers, otherwise the authority challenged by the Pope in the dominions of another may be more justly reckon'd usurpation, than the laws establish'd by princes over the estates and persons of the clergy.

That therefore is all the answer we have to make to the general charge of keeping the ecclesiastic power in bondage ; which, so long as it does not affect the interests or circumstances of the faith, is not, as we have already seen, either slavery, or injustice, but only the total hindrance of an usurpation of power, and not the opposing an authority which is lawful. This answer is sufficient to put all the complainers of the court of *Rome* to silence, for till they can shew a plain text for that jurisdiction which they pretend to in another's house, they can have no room to complain of incroachment, or violation of their liberty, especially in the dominions of a free prince, forasmuch as no body has a right to complain that his neighbours domestics do not serve and obey him. But however, we will give a brief answer, over and
above

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above what has been already said, to each particular article.

I. The first in order is this, *That the acquisition of lands is debarred from regular monks and places of piety.* This they don't fail to make a mighty noise about, and cry out as if the government of *Venice* treats the regular monks as bad as the *Jews*, whom they lay under the same restriction; but they don't consider that this prohibition is laid upon the monks by the lay-tribunal only, because it seem'd necessary and proper, whereas they subject the *Jews* to it, to punish them for their obstinacy in *judaism*; and in a word, 'tis a mark of their captivity.

'Tis plain that the secular power was in a manner compell'd to lay the monks under that prohibition, in reprizal for the pretensions of the court of *Rome*: If the said court would grant that lay-sovereigns have a legal right in themselves, not only to levy the ordinary tenths upon the clergy, but also in a case of necessity to impose the same taxes and subsidies upon theirs, as upon the estates of the laity, the government of *Venice* would never have thought of debarring the monks from purchasing estates. A prince is only such in respect of his subjects and revenues. These two things are the parts which constitute the whole of a sovereign, but one without the other only constitutes a titular prince without territory; which is the case of many whose
dominions

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dominions are become a prey to *Turkish* invaders; and would to God that the same usurpations had never been introduc'd among christian princes! In such a sad case, a prince who is robbed of his dominions may still retain his titles; and this is so far in his own power, that be the conqueror ever so potent, he cannot strip him thereof, unless he takes away his life too. Be this as it will, I know not whether a prince's preserving his titles after the loss of his dominions, is a greater mark of his dignity, or of his misfortune, and whether it most promotes the compassion of others, or hinders their contempt; for I own I look upon such a prince only as a nominal one. And as to a prince who has dominions and subjects, but no revenue, I think him more a subject than even his own subjects; for besides his personal necessities, he is expos'd to others as a prince, and having not wherewith to answer them, he would feel the same anxiety as if he wanted bread; for I fancy it must be very mortifying to have the title of a prince, and to have ministers and courtiers always at his ears, dunning him for aids to defray the necessities of the state, and not to have the means to answer their demands. This is such a crown as I believe the old philosopher meant, when he said, if he should find it lying on the ground, he should not think it worth stooping for. This may be sufficient to shew that in order to constitute real sovereignty, 'tis indispensably necessary

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cessary that these two conditions should be united together, viz. subjects and revenues, otherwise a prince makes but a ridiculous figure.

The senate of *Venice*, which has verif'd the fable of watchful *Argus* with his hundred eyes, foresaw that the piety of the people on the one hand, and the exemplary lives, or rather the artifices of the regular monks on the other, might go such a vast length in the acquisition of lands, that in a little time the greatest part of their lands might be devoted to pious uses; therefore they did mighty well to fix a *non plus ultra* to such acquisitions. But, thanks to heaven, the doge of *Venice* is not reduc'd to the horrid inconveniency of having subjects that are not subject, and territories without revenue, and without profits. If the Pope would by an authentic bull acknowledge the right which all secular princes and states have to tax the estates of the clergy, as well as others, for supplying their necessities, as far as comports with the publick weal, I doubt not but the most serene state of *Venice* would be ready to acknowledge the courtesy, and would repeal this law, which is such an eyesore to the court of *Rome*, of their own accord, and without any other incentive than their natural bials to acts of piety, especially when such acts do not interfere with more necessary reasons of state. Nay, I will moreover venture to affirm, that if the court of *Rome*, not willing to part with an old custom, refuse to

consent

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consent to such an acknowledgment, and thereby to own the characteristics and prerogatives of all temporal sovereignties ; yet, if they would only determine the case by granting a perpetual and irrevocable indulto, as usual, the most serene republic would gladly take such a grant as a favour, tho' at the same time 'tis one of their natural prerogatives, and that in a grateful acknowledgment thereof, they would repeal the said law which gives the court of *Rome* so much uneasiness. But so long as the court of *Rome* continue obstinate in their resolution, and that nothing will serve their turn but that a petition must be presented to them for an indulto to raise the tenths every five years, can it be thought strange that the senate of *Venice* should use proper precaution, and that instead of taking the more vigorous resolution of laying extraordinary taxes upon the clergy, of their own authority, as some kings have done formerly, they should take proper methods before-hand for hindering the estates of their domain from passing into the hands of those who pretend to be privileged and free from taxes ?

This is as necessary a guard as a helmet and cuirass against the point of a sword, and I believe no wise man will find fault with it. The friars in the state of *Venice* have engross'd so many estates into their own hands, as can hardly be parallel'd in any other dominions, considering the little time they have done it in, and

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the extent of the country. For he that is not wilfully blind, cannot but see how many frieries, and the like pious places, are daily founded and erected in *Venice*, so that if due provision had not been made against it, the laity would have had very little left at their own disposal, in the compass of an age at most. For these reasons, the senate wisely decreed that for the future lands shall not pass out of the Hands of the laity, and that as for the time past, hospitals, frieries, schools, and the like places, shall not be register'd as church-lands, forasmuch as their founders and governors never were clergymen. And I say it again, that a religious and a wise prince could not do less for his own safety, and that of his subjects and dominions, at a juncture when the court of *Rome* is so severe.

I shall here add one reflection, for the sake of such of my readers as may not happen to be *Venetians*, viz. That the mighty clamour made by the court of *Rome* of this pretended violation of liberty, has no foundation in reason, but only in appearance. For all these prohibitions do not in any wise restrain the charity of believers towards the friers, since no body is hinder'd from leaving their lands to any fraternity whatsoever, by way of inheritance, legacy, or donation; only if the case be so, the heir, or legatee, is oblig'd to sell the said land at the expiration of two years, and to put the purchase-money into his own pocket.

pocket. It will be said perhaps, that at this rate the monks will be masters of great sums of ready money, which they may lavish to very ill purposes; but the republic has provided against this, by ordering that all congregations of friers may either lend out their money at use to private men, or put it in the bank; so that one way or another, their gain will be more considerable, and more certain, than if they kept their lands, whose crop is liable to be ruin'd by storms of hail, or a season of drought; whereas, what they would get by annuities, or the bank, is fix'd and certain. Upon the whole then, I advanc'd nothing of a falshood when I said, that all this great outcry of the court of *Rome* has not the least foundation in reason, for the friers hands are not tied from receiving gifts or legacies, or from making the most they can of their money. Therefore the prohibition publish'd by the senate is just, and consistent with christian piety, and prudent policy.

II. They say, *That those who only rented the clergy's estates, are permitted to retain them by prescription, as much as if they were their own lawful property.* But this article is more easily answer'd than the first. 'Tis a rule of practice in the secular court at *Venice*, that the term of thirty years prescribes every action which has been in suspence all that while, without any summons, or interrogation of the parties. For instance, if a creditor lets thirty

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years

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years pass over his head, without demanding the repayment of his money from him to whom he lent it out, he cannot trouble him for it afterwards, and the debtor is only oblig'd to pay the interest of the annuity ; so that the annuity, which was redeemable, becomes perpetual, the law supposing that the creditor has, by thirty years continu'd silence, voluntarily forgiven the debt. In like manner, if he, who lets out a house or land, does not within thirty years renew his rent, or lease, with him to whom he lets it, 'tis presum'd that he has yielded up all his right of possession, reserving to himself only the rent, which then changes its name into property. By this means, he to whom the houses, or lands, were let, becomes the owner of them ; but 'tis on condition of doing some homage, or service, for them, which becomes such an appendage to those estates, that if the new proprietor sells them to another, it must be always with this acknowledgment. It seems as if the first possessor did hereby lose something of his right, which, however true it may be, is only a punishment of his neglect to renew the lease ; but he has this advantage, *viz.* that the possessor of those estates is always oblig'd to pay the entire acknowledgment, even tho' the houses should be burnt, and the lands laid under water. This is the constant practice at *Venice* betwixt one layman and another in the disposal of all manner of estates, and the senate has order'd that
this

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this kind of prescription shall also take place with respect to church-lands, but with this difference in their favour, that the prescription shall not be till the expiration of forty years; so that the clergy have the advantage of ten years more than the laity. Mean time the court of *Rome* makes a sad outcry; but let us see with what justice. The layman who rents any church-lands, perceiving that the lease is not renew'd, nor alter'd, during the whole term of thirty years, thinks, that without further trouble, according to the custom receiv'd among the laity, he is become the legal proprietor of such lands, and therefore takes care to meliorate the lands, or to rebuild the house, being perswaded in his mind that such meliorations, or improvements, are his own property, as they are the effect of his own extraordinary pains and expence. Therefore it would not be reasonable that he should be the dupe of an establish'd custom, and that after he has made considerable improvements, a new abbat, or a new prior, should turn him out of his tenure, and, without any just plea, reap the benefit of his pains and expence, and that the poor tenant should, by another's artifice, be dispossest'd of all his profit. For these reasons the government order'd this prescription, and gave the advantage of ten years to sacred places; so that if any one had improv'd his land, or house, for thirty-nine years, he would have work'd all the while for the good of the

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monastery,

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monastery, a thing which is not practis'd with so much advantage to the laity. Therefore, as to the time past, the term of ten years is so far from an injury, that 'tis an advantage to sacred places; and as to the time to come, the clergy may, if they will, prevent any damage, by renewing the lease within the term of thirty-nine years, since by so doing they certainly hinder their estates from being liable to prescription. Therefore why does the court of *Rome* make such a sad complaint? A sick man who chops and changes his physicians, because they don't humour him, becomes at last intolerable. These gentlemen would not only swallow up all the estates of the laity, but refuse also to make the least allowance for all the pains they have been at in improving them. Let them but consider their own uncharitable temper, and they cannot find fault with the republic for applying to public charity, to relieve the laity.

III. That *the lay-tribunal pretends to judge ecclesiastical criminals, and the civil affairs of persons ecclesiastical.* As to this complaint, I have nothing to add to what I said in the eleventh chapter of the former part, where the reader will find it sufficiently answer'd, tho' in general terms: And there being, I think, nothing particular in the custom observ'd at *Venice*, the matter seems fully determin'd, and it would be both superfluous and disagreeable to repeat what has been already said. The fact in short is this, *viz.* that as an ecclesiastic pretends his
person

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person is sacred all over, and to be reverenc'd, he ought not to degrade himself by his actions. *Bonum fac, & habebis laudem, i. e. Do that which is good, and thou shalt have praise thereof.* When a chalice that has been set apart, and consecrated with so many ceremonies for receiving the blood of *Christ*, is once prophaned, it goes into the hands of the vulgar, and is sold to the goldsmith for vile uses. All the sacraments, except that of the altar, at which God ought to be worship'd at all times and places, are only sacraments by custom, and contain no grace, but when they are apply'd. Thus the clergy ought to be contented, if they are treated on the same footing, and if they are reverenc'd in their sacred functions, and ministerial offices.

As to civil affairs, if a clergyman goes to law with a layman for an estate, which he claims as due, not to his dignity, but to his person, I do not see how this can possibly be reckon'd the cause of the Church; therefore nothing in nature can be more reasonable, than that a secular prince, who is to maintain his subjects rights, should be a judge of those rights, in order to defend the possessor in his legal property; whereas otherwise, if a layman was oblig'd to make his appearance in a spiritual court, the temporal prince would soon find himself without subjects. The nuncio and the bishop would be the prince, and the prince would only be the guardian of the city.

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'Tis enough then, that according to the establish'd custom at *Venice*, when a layman accuses a regular monk in a civil affair, the cause is brought before the tribunal of the nuncio.

IV. That *bishops are kinder'd not only from trying lay-malefactors for their lives, in cases depending on the mix'd courts, but also from punishing the clergy themselves, tho' convicted of scandalous crimes.*

Here we ought to distinguish ; because this grievance contains two parts, *viz.* the hindring the bishops from judging the laity, and the not permitting them to punish their own scandalous clergy. But both these complaints proceed from one and the same principle, *viz.* the right which the temporal sovereign claims by law to judge even ecclesiastical criminals ; an authority, which if a prince had not, it would follow by consequence that the prelate would have the liberty of punishing criminals of this stamp ; and when once he is master of this prerogative, nothing would hinder him from proceeding against the laity in like manner, for crimes depending on the mix'd courts, and subject in some sort to the ecclesiastical laws ; such as sacrilege, adultery, striking clergymen, and the like.

To return to the first, *viz.* the complaint that the bishops are oppos'd in their proceedings against the laity, for crimes depending on the mix'd courts ; nothing is more easy to resolve

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solve to the satisfaction of the meanest capacities, for nothing seems more just than the conduct of a free prince, who preserves to himself the right of permitting the clergy to judge of crimes depending on such mix'd courts. For if a prince will be a sovereign, he must maintain his superiority and authority over his subjects, and require their obedience ; and if they are disobedient, he ought to punish them. But if a prince puts the rod of justice into other hands, the subjects will no longer regard him ; honest men being obedient out of love to virtue, but the wicked only for fear of punishment.

*Oderunt peccare boni virtutis amore,
Oderunt peccare mali formidine pœnæ.*

When a prince gives up his power of punishing, he immediately becomes the contempt of his subjects ; such was the happy simplicity of the primitive ages, that the sovereigns were belov'd with an affection that was perfectly voluntary ; but such is the corruption of our times, that they are envy'd on account of their high station, and therefore hated, and consequently 'tis no wonder that they are affronted. 'Tis observable that all crimes which come before the secular tribunal, are transgressions of the divine law, which consists in the punctual observation of only these two commands, *viz.* to love God, and to love our neighbour. All blasphemers,

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blasphemers, perjurers, adulterers, murderers, slanderers, and a hundred others, who are triable in the temporal courts, ought to pass under the cognizance of the mix'd court; because they are transgressors of the two commands above-mention'd, and has the prelate therefore a right strictly to inquire after, and cite them to his court? If so, the sovereign would indeed have a numerous people to take care of, but he would have few subjects at his beck or command. This is such an extravagant absurdity as I think no man of the least piety can so much as comprehend, much less approve; and if it were to be suffer'd, who is there would not sooner chuse to be a bishop than a prince? because a bishop would in this case have all the advantages of sovereignty, without the trouble of maintaining it, and providing for the people's necessities. But even in the towns of the land of the Church, the bishops do not enjoy so large a liberty, most of the sentences of this kind being issuable from the vice-legat, or governor; who, tho' they are ecclesiastics, are consider'd as persons invested with temporal power. Such an authority is therefore far less tolerable in the dominions of others. This part has been so fully prov'd, that I think I need not say more, for I believe there is no disinterested person, but must be satisfy'd how much it is the right of sovereigns, and at the same time enrag'd at the pretensions of the clergy to it; for there are many cases in which

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the court of *Rome* would have bishops to be judges of the laity, but not one in which they are willing to allow the secular courts to be judges of the clergy.

As to the hindring bishops from judging ecclesiastical criminals, I refer the reader to the distinction I have already so often made use of, viz. that if the crime of a clergyman consists in false doctrine, in an undue administration of the sacraments, and the like, which are crimes merely ecclesiastical, and of which the secular tribunal has naturally no cognizance; then, I say, the cognizance of them ought to be left to an ecclesiastical judge, and the government of *Venice* does not in any wise oppose it; because there is a tribunal of inquisition, which judges of all such causes, and of all crimes merely ecclesiastical, judging not only of ecclesiastical criminals attainted of crimes of this kind, but even those of the laity that are charged with heresy, witchcraft, the abuse of the sacraments, and the like. But if the crimes in question are such as are merely temporal, viz. murders, adultery, fornication, robberies, &c. committed by clergymen; then, as I have already said, the clergyman so offending degrades himself, and thereby makes himself answerable to the ordinary tribunal; and the sovereign prince, who is oblig'd by the divine law, and by the many scripture proofs we have already cited, to punish malefactors, may prosecute and punish him. Besides all these reasons,

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sons, this is a maxim founded on the laws of just policy, for the common benefit of honest men under a good government ; for how could the honour, reputation, lives and fortunes of wives and their children be secure, if the prince did not reward good actions, and punish evil ones ? Having, I think, said enough on this point, I will forbear vain repetition, and only exhort bishops to take great care of the establishment of the faith, of the distribution of the sacraments, and of the reformation of manners, by their good examples and learning. If they discharge these great duties, they may with very good reason boast that they have not been unprofitable servants in the lord's vineyard, and that they have duly kept up to the simplicity of their institution.

V. *That the bishops are hinder'd from visiting hospitals, sacred places, frieries, and mounts of piety.* The answer I have to make to this complaint, is only a brotherly admonition in the terms of the gospel, *between thee and him alone*, to shew the court of Rome that this accusation against the republic is rather an effect of the said court's usurpations, than disobedience in the temporal prince. The said court takes it very ill, that all frieries and hospitals, consider'd as sacred places, are not therefore subject only to ecclesiastical jurisdiction. That they are places of devotion is not question'd, and so is every private man's house, where the people lead moral lives, and do good works ; but that

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that all places of devotion are sacred, and exempt from the secular jurisdiction, that they are that *New Jerusalem* which St. *John* saw coming down from God out of heaven, prepar'd as a bride adorn'd for her husband, and that this husband is the prelate, this is what I cannot easily digest : These gentlemen of the court of *Rome* always found their discourses and disputations upon the modern times, and never trace effects to their origin and principal, whereas the right way to come at the true knowledge of a thing, is to examine the cause, *scire est rem per causam cognoscere*. If we look back to the origin of hospitals, frieries, mounts of piety, and the like, we shall certainly find whether they are ecclesiastical, or secular estates, and whether they ought to be subject to the bishop, or the temporal prince. Tell me, then, who were their founders, clergymen, or laymen ? Were those estates given by the priests, or the laity ? If they say that the donors and founders were ecclesiastics, I must beg leave to tell them it is false ; for if those foundations were of ecclesiastic original, if their revenues were ever paid by the clergy, the administrators, or governors of them, would likewise have been clergymen, and without doubt those of that order would never have suffer'd themselves to be turn'd out, to make way for laymen, without a great deal of clamour and struggle. The clergy, where their interests are ever so little concern'd, don't use to part with them

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them tamely, but are commonly so litigious, that 'tis as much as ever a layman can do, to defend himself against their pretensions, much less can he take any thing from them : But if it be acknowledg'd that the institution and donation of such places was originally secular, and that some pious souls were dispos'd to lay out their money and estates, and make such settlements, to the end that they should be always under the administration of the government, what foundation have the clergy for that superiority they pretend to have over them ? The master of the vineyard in the gospel said, *Is it not lawful for me to do what I will with my own ? Is thine eye evil, because mine is good ?* If the founder of such hospital, or place of devotion, would have had the same govern'd by clergymen, he would have declar'd it expressly in the very deed of settlement, or endowment, and either himself, or his next heir, would have inducted them into the possession of such administration ; but if there be not one word of this in the deed, and on the contrary, the donor there declares his intention, that the superiors, priors, or directors, shall be laymen, and if they were put into possession of the administration, from the very first, what reason can the clergy have for pretending to such a superiority ? It seems the private men, who own'd such estates, had not the grace to bequeath them as a legacy to some prelate, but dispos'd of them in another manner ; yet for

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all this, does the prelate leave one stone un-
turn'd to get the whole into his clutches? At
this rate, may not a mount of piety, which is
only a place for lending to the poor upon
pledges, become by degrees an ecclesiastical
fief? I know they will pretend that a prelate
does not aim at this superiority for the sake of
managing the revenue, or putting any of it
into his own pocket, but only to supervise the
administration thereof, that every thing may
be manag'd with order and justice, as if the
lay-sovereign's inspection were not sufficient;
but let me tell 'em, I will take who I please
for my physician, and not the man that brags
he knows more than him I have chosen: Such
conduct as this, brings to my mind the saying
in the gospel, *Friend, let me pull the mote out
of thine eye.* This would be a circumstance
more sacred, viz. if a dying man should, by
his last will, recommend a certain number of
masses to be said for his soul, and the superior
of the convent, on whom they are injoin'd,
should examine whether the heir has fulfill'd
the will of the dead, I don't believe that the
bishop would meddle in the affair, or pretend
to call him to account for it. To what pur-
pose then does the bishop claim such superi-
ority over works that are indeed pious, but
not totally spiritual, such as the care of the
sick, and the lending of money to the poor?
Wisely therefore has the senate declar'd, that
places of this sort, tho' devoted to pious uses,
are

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are not number'd in the register of ecclesiastical places; and that the bishop has nothing to do with them.

VI. *That the college pretends to be a judge in matters relating to benefices; and that when any one enters an action in the court of Rome, he is oblig'd to a renunciation ab impetratis, i. e. to renounce the decrees he has there obtain'd.*

This is another branch deriv'd from the same root. In answer to which complaint, we lay down this as a fundamental principle, that every temporal free sovereign has a right to judge in all matters but such as relate to faith, to the sacraments, the institution of sacred ceremonies, and the like; which cannot be regulated, or executed, but by the priests. These things only excepted, the prince is establish'd by God himself over such or such a people, to do justice, and to keep all his subjects in their duty, either by rewards or punishments, so that he is not only the representative and depository of the public authority, but the vicegerent of God. This *St. Peter* and *St. Paul* have deliver'd as their own opinion in such terms as are express, and clear enough to satisfy those who have ears to hear, and which we have already quoted more than once; and as the submission we owe to an apostolical precept, renders it a point not to be disputed, so 'tis equally establish'd and confirm'd by the law of nature; for as all the members of the body receive motion from the heart, the whole body from its soul, every individual

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individual from one spiritual intelligence only, all light itself from the sun, and all discourse from reason alone; so every government depends on its sovereign, and all hierarchy on one single principle; and as in our contemplation of nature's machine, the world, we ascend upwards to God, the cause of all causes; so in human and civil judgments, we ought never to go beyond the only sovereign; for to imagine that a state can be well govern'd, which depends on two different princes, is quite as absurd as to conceive a body with two souls. There is but one way to establish an union betwixt men, whose genius, fortunes, and tempers, are so widely different, and that is, to let one only be their head and master; for tho' a republick may consist of a thousand members, yet they have but one sovereign; for all and every one of those members acknowledge the sovereignty to be either in the whole collective body of the state, or else in a lesser body of deputies, or delegates from the whole.

In the times of pagan *Rome*, we read of a chief priest who prohibited the building of one temple both to honour and to virtue, tho' according to the notion that then prevail'd, there was a certain affinity betwixt those two idols; the reason of which prohibition was, that one temple ought to serve only one deity. In fine, then, we may well say, that the republick of *Venice*, taught both by reason and experience, is more concern'd than any other republick, con-

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T

stantly

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stantly to maintain the same unity of sovereignty, as judging that it would be as great a heresy in politics, to suffer, in their dominions, the least division of sovereignty in things *human*, as it would be impiety in things *divine*, not to believe the unity of the godhead. This being the case, the court of *Rome* ought not to wonder that in *Venice* there's no one altar set up against another, either for causes relating to benefices, or for other controversies of the people. Causes relating to benefices concern the clergy only, and not the Church, the dispute being not for the depriving, or instating of any minister, but only to decree who is the legal minister; and when the college, or council, assumes cognizance of the cause, 'tis not to usurp the right of nomination to benefices, but to put an end to the dispute betwixt those who lay claim to such benefices. As to the collation thereof, 'tis left entirely to the discretion of the court of *Rome*, and every body is at full liberty to apply to the said court, when a vacancy happens. The republick therefore interferes only to obviate and compose disputes between their subjects, when more than one pretends a right to the same benefice, which is the more necessary; because the *Venetians* are not us'd to obey any sentence which is not pass'd in their own dominions.

As to the obligation upon such as sue in the court of *Rome*, to renounce *ab impetratis*, 'tis a necessary consequence of the maxim just now establish'd;

establish'd ; and the due reward of such rash litigious people, who, tho' they know they have a tribunal of their own to apply to, have recourse at every turn to a foreign one, on purpose to perplex the cause by querks, and shifts, because they have not one good plea to produce in their own favour.

VII. That *the Venetian clergy are requir'd to pay the ordinary taxes, and other imposts, as well as the laity.*

A certain prince, who was well read in universal history, said, tho' he was not within the pale of the Church, that he wonder'd all the christians did not go to *Rome* to make their fortunes, by attaining to some great ecclesiastical dignity, which no one need despair of getting. For my own part, I verily believe, that if all the canons propos'd to us by the gentlemen of the court of *Rome*, were to be observ'd at *Venice*, every layman would be glad to take orders, and all the clergymen in other countries would be mad to come and settle at *Venice* ; so that we should be forc'd to build houses in our very lakes to entertain the new colony. It would be a fine world indeed, if the clergy were to be exempt from obeying their temporal sovereign, if they could be as wicked as they list in spite of his teeth, and if they were to pay no taxes, imposts, nor subsidies ! Were the clergy at *Rome* once possess'd of these fine privileges, they might well boast of reviving the golden age, when the fields brought forth

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their fruits without any toil, and the lands were fallow without plowing or sowing; mean time I often hear complaints of the poverty at *Rome*, while at *Venice*, where the very bread is excis'd, they live in a happy abundance, and with less expence. A sovereign prince may fitly be resembled to a river, which derives its mass of water, be it more or less in breadth, or depth, from a vast number of rivulets that flow to it, as tributes from the neighbouring plains; and, according to the opinion of *Empedocles*, who establish'd atoms as the principle of all things, the greatest bodies are form'd by the union of an infinite number of small ones. Now where's the rhetorician that can, with all the tropes and figures he is master of, persuade to the belief of this impossibility, that a person can expend money unless he has it to lay out, or live by the air alone, without any other nourishment? *Aristotle* one day hearing a conceited sophist prating that there was no such thing in nature as *motion*; and endeavouring to support what he said by false reasonings, he gave him no other answer, than by *walking* about the room, it being but trifling to produce arguments from reason for a thing which is demonstrable by experience. Indeed, if the court of *Rome* will teach the officers of the *Venetian* mint that secret in alchymy of transmuting iron into gold, I doubt not but they will soon be made easy in their demand, and that the clergy shall be exempted from all the burdens

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burdens of the state ; but till then, they must be silent, and permit the sovereign to provide for the necessities of the state in the ordinary way, which is always abundantly better than the extraordinary methods of filling the publick treasure ; which when ambition drains, wickedness commonly replenishes. *Si thesaurum ambitione exhauserimus, per scelera supplendum sit.*

The clergy cannot expect to enjoy the light of the sun, without being at the pains to open their eyes, any more than the laity. In like manner, if they expect protection and maintenance from the sovereign, 'tis necessary they should contribute all they can on their part, towards furnishing him with the means ; for there's no creature upon earth can do any thing without the help of means, that being a prerogative peculiar to God alone. If the sacred character of clergymen gave them the privilege of living without consuming any provisions, then it would be but just to excuse them from paying excise. On the other hand, it would be unjust to desire that the character of clergymen should be such a charge to the laity ; for their enjoying these exemptions would not be reckon'd as favours of their prince, but a robbery on his other subjects, which is contrary to the precepts of *Jesus Christ*, wherein all partiality, and respect of persons, is expressly forbidden.

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VIII. That the regular monks are hinder'd from obeying the constitutions of their order and chapters, by being oblig'd to confer prelatical dignities upon such friers as are natural born subjects of the republick.

If it always hold true that a physician, who has been afflicted with many distempers himself, knows better than another how to cure them in his patients ; it must be granted that *Venetian* friers cannot be better govern'd than by a *Venetian* superior ; who knowing the customs of the country , together with the tempers and blind sides of his countrymen, better than any other, knows best what are the most proper measures to be taken. The canon which commands parishioners to confess to their parochial pastor, gives this as the only reason for it, that such pastor being more thoroughly acquainted with the most common sins committed before his face, is better qualify'd to examine the penitent, and to remedy irregularities with the more dexterity and success. Therefore *Christ* said, according to *St. John*, *He that entreteth not by the door into the sheepfold, but climbeth up some other way, the same is a thief and a robber. But he that entreteth in by the door, is the shepherd of the sheep ; to him the porter openeth, and the sheep hear his voice, and he calleth his own sheep by name, and leadeth them out.*

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Has the court of *Rome* then reason to complain of the senate of *Venice*, for their obedience to the gospel, in enjoining the regular monks to admit of no superiors but what are natives of the state? And is it not ridiculous to accuse the lay-sovereign of being a gainer by the execution of this decree, when his sole motive was a charitable zeal for the good of the friers? In short, can any thing be more productive of mutual charity among them, than to be united all by one rule, at the same time that they are more endear'd to one another by the natural genius of the country? For a stranger is like the water of a brook, that slides away as soon as it comes, whereas a native of the country is like the sand that stays at the bottom. Were we to add to this any reason from law, it would appear unjust, that the lands of *Venice* should pass into the hands of those who have no affinity with the *Venetians*, and who, after their administration is expir'd, would not care one brass farthing whether they left a good, or a bad name behind them, in the management of revenues and lands they are never to enjoy, and which perhaps they shall never see any more.

This may be farther illustrated by the following instance, which comes as near to the present case as any that can be thought of. A poor man that was troubled with the palsy, had moreover, to aggravate his affliction, running sores in one of his legs, which, for that

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reason, was so plagu'd with flies, that he was not able to keep them off. An honest man passing by, and taking pity on him, offer'd his service to blow them off; but the patient pray'd him not to do it by any means, thinking it better to bear with those that had already glutted themselves in his sores, than by driving them off, to make way for new guests, that might come to his leg half starv'd, and fall on without mercy. To this I shall add, that methinks a prince ought at least to have as much liberty as a private person; now, where is that master of a family who does not appoint what steward he pleases? for by so doing, his servants are better treated, as being govern'd according to their master's good pleasure; and from hence it follows, that the master is better serv'd. This decree is not in the least prejudicial to the friers, but they are not willing to entertain a good thought of it. The court of *Rome* itself has no reason to complain of it, and 'tis to be wish'd, that other princes would imitate the *Venetians* by publishing the like decree.

I shall conclude with this reflection, viz. that the lesser spheres are regulated in their motion by that of the *primum mobile*: And therefore, as since the time of *Adrian VI.* who fill'd the chair in 1522, there has not been one Pope who was not an *Italian*; so I find no difference betwixt the law now publish'd at *Venice*, and the conduct of the court of *Rome*.

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IX. That *when any dispute happens among the friers themselves, they are forc'd to prosecute in the temporal court, instead of the tribunal of the apostolical nuncio.*

'Tis for private men, rather than the state, to answer this complaint; for the *Venetian* government concerns itself in affairs of this kind only, when any persons, aggrieved by their superiors, or their superiors disobey'd by their inferiors, have recourse to the secular arm, and demand the interposition of public authority, which voluntarily lends its hands to reduce those to their duty, who depart from it. What I pray can the government do in such a case as this, but protect the honest, and relieve the oppressed? what can the gentlemen of the court of *Rome* say to this? O! I hear some saying they would have the secular tribunal, after they have receiv'd the first motion, or notice of the cause, be silent of their own accord, and refer the affair to that of the nuncio. What a strange piece of work would this be! would not the *Venetians* hereby madly strip themselves of their proper authority, to cloath a foreign court with it? and would it not be uncharitable to the subject, when he most of all wants and desires assistance? *Desine regnare nisi vis audire*, was the saying of a certain woman to one of the *Cæsars*. Therefore 'tis not on the account of any public advantage, that the friers are hinder'd from referring their controversies to the nuncio, to receive from him
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the explanation of their rules, and to be spiritually punish'd if they are disobedient.

The government leaves them at full liberty upon this account ; but when one of the parties, out of a guilty conscience, and for fear not of spiritual, but of corporal punishment, has recourse to the secular tribunal, in expectation of a more speedy trial, then the senate does not refuse assistance to the party who has right on his side. Therefore 'tis at the friers own discretion, whether or no they will have recourse to this jurisdiction of the lay-tribunal, who, they may depend on't, will not fail to do them justice, in case they apply to them for it ; for where their judgment is not desir'd by some word, act, or sign, given for that end, it is never granted. They say, I know, that tho' the motion be admitted in the temporal court, they may chuse whether they will try it ; but I believe every man of sense sees the extravagant absurdity of this plea, and that if they acted thus, it would look as if they own'd they wanted authority, or that they knew not how to exercise it. I dare affirm, that if it was put to the gentlemen of the court of *Rome*, they would not be so complaisant to yield up their rights ; and if this be true, 'tis a terrible breach of charity to expect from others what we would not grant them if they ask'd it of us. But such is the position of our eyes, and the rays of sight are so dispos'd, that we quickly spy the least mote in our brother's

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ther's eye, but can hardly see the beam in our own; which made *Diogenes* examine all his actions by a looking-glass.

X. That *those who have a bishoprick, or other prelatical dignity, conferr'd upon them by the court of Rome, are oblig'd to have recourse to the Council for the possession of temporalities, and that every bishop precogniz'd by any but a Venetian cardinal, shall not obtain possession, and the See shall remain vacant.*

This complaint contains two parts. 1. The obligation laid upon all persons to obtain the possession of their temporalities from the senate. 2. The refusal of such possession to bishops that are precogniz'd by any but a *Venetian* cardinal.

The first of these is not particular to the republick alone, but the general custom of all secular princes. The second, indeed, is the prerogative of crown'd heads only. As to the first, 'tis evidently a rule of civil law, universally receiv'd, that 'tis not enough to acquire an estate by title of purchase, exchange, donation, inheritance, or the like; but that to be truly proprietor of a real estate, 'tis absolutely necessary that a person be put in actual possession of what was not his originally, but becomes his property by virtue of this new title. A man who comes into an estate this way, has such an advantage, that if he be disabled to prove his acquisition, either by the loss of papers, or by reason of fire, or because of his minority,

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nority, 'tis enough for him if he comes at the possession honestly ; and whoever goes to dispute it with him, must be oblig'd to prove a better title by Papers and other documents, without obliging the possessor to shew his ; and if the claimant does not produce a better title, he would be cut off by the law, *uti possidetis ut possideatis*. This is a law not only favourable to the possessor, but also serves as a rampart against another's usurpation, because it does not leave every rash man at liberty to intrude by forcible means, and by his own authority, into an estate that does not belong to him, for the law never grants possession without a good title.

Now, what's the consequence of this? Why truly the court of *Rome* complains of a thing which is advantageous to the patron, or collator of a benefice, because the secular tribunal never grants possession, without first seeing whether the bull of collation be dispatch'd in due form. If the secular tribunal did not take this precaution, I do but think how many would creep into some abby, or other church-preferment, and the court of *Rome* know nothing of the matter, nor when they did, be able to help it ; and how many others would have the impudence to get into church livings, without any bull at all. Perhaps it will be pretended there's no danger of this, because those who usurp ecclesiastical benefices in this manner, are excommunicated *ipso facto*.

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Good God! Is it possible that the fear of excommunication can be any check to men's desires! Alas! 'tis not now as it was heretofore, when excommunication was such a terrible bugbear, that it frightened *Attila*, even a *Barbarian*, to the abandoning *Rome* and his conquests. Indeed the weapon is the same as formerly, but has lost its edge; and being got into other hands, what with the too common use of it, and the passion with which it is denounc'd, 'tis become vile and contemptible. I believe the court of *Rome* will readily excuse me the trouble of fetching instances to prove this, since their own experience has shewn it them too often in very many cases. Therefore I think I have reason to say, that if the temporal sovereign did not intimidate the wicked by threats and punishments, all the Pope's thunder and *anathema's* would not keep ecclesiastical benefices from being enjoy'd by the first possessor. But undoubtedly the holy father knows that he is a hundred times better obey'd in countries where he has united the sceptre and the mitre, the spiritual and the temporal swords, than in foreign domains that are purely secular, tho' at the same time as much at the Pope's devotion and obedience as any.

To this the court of *Rome* will, it may be, reply, if the *Venetian* government proposes by this to do any service to those that have benefices, let them do it only when they are desir'd, and not trouble their heads with those
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that think the obtaining a bull of investiture; the most honourable way of entring into possession, and look upon every thing to be injurious that is said only in defence of the rights of the patron. This, I say, would perhaps be their answer; but to be ingenuous, which is what I always profess'd, perhaps too, that was not the sole motive of the *Venetian* law; but if any state motives concurr'd, it must be own'd that the *Venetian* politics never deviate from strict justice, and that if the court of *Rome* does not approve them, 'tis only because they are wont to prefer their own politics before receiv'd customs, and the law of nations. All the political views of the senate are constantly directed by equity; for what is more equitable than to require that benefices should be conferr'd only on their own country-men, men of unspotted characters towards God and their natural sovereign? for otherwise they would be as rotten, corrupt members, unworthy to be nourish'd by the heat of the body to which they belong. And in a word, what is more equitable than to hinder the investiture of one from being the ruin of another, who has a better right? All these considerations are so just, that any one of them is sufficient to justify the whole conduct of the senate in this respect.

As to the precognizing of bishops, let it be only remark'd, that 'tis a custom constantly observ'd in this case in the court of *Rome*; and

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if it be admitted there, that 'tis a privilege of crown'd heads for bishops to be precogniz'd by the cardinal protector of their own nation, why all this complaint and admiration, that the most serene republick, which stands in the same rank with crown'd heads, is jealous of its rights in this circumstance, lest any prejudice be slyly done to the prerogatives annex'd to its just title of royalty? It is impossible to be too much upon the guard against that court, who fight with a two-edg'd sword, that cuts all ways, *ubi bene, nemo melius*.

To this it may be added, that according to the canons every new bishop ought to pass examination at *Rome*. Now who can give better information concerning the talents of prelates elect, than their countrymen? This seems to be a reason of some weight, unless what is then done be mere ceremony and grimace; as happens in abundance of other cases, where every thing is decided, not so much according to the spirit of the law, as according to the will and pleasure of the holy father.

But in all this complaint of the court of *Rome*, I don't see where they are really hurt. The Pope admits to examination whom he pleases; the examination is commonly made in his presence, and the precognition is afterwards made in a full consistory. Does not the whole grievance then only turn upon the custom of the republick, because in this ceremony they act, like crown'd heads, by the cardinal protector

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tedor of their own nation? If the court of *Rome* thinks fit to alter this custom, of which the republick is in possession, there is no reason for one sovereign's going to plead in the dominions of another, consequently he is in the right to defend his prerogatives in the best manner he can; which may be done by publishing his decrees with such authority, that they may be executed in his own dominions, instead of going to desire the concurrence of another prince's suffrage. In good truth, whoever examines the matter strictly, and without passion, will find that the court of *Rome* pores too close upon the conduct of the republick, which they ought rather to view thro' a perspective.

XI. That the Venetians intermeddle in the affair of pensions, which, tho' already establish'd and approv'd, the secular tribunal grants their protection to debtors who refuse to pay them.

It cannot be deny'd that this is an article which touches the favorites of the court of *Rome* in the most sensible manner; but it does not follow that their complaints are just. Those blessed pensions are the *ne plus ultra* of all their desires. They are, as we may say, the source of a large deep river, whose mighty waters form the great sea of ecclesiastical riches. There are besides many rivulets; as collations, dispensations, annates, indulto's, indulgences, privileges, and several others that have no name, which also send their waters thither; but

but of which, some are only transient in one sense, tho' in the main they are always running. The pensions are as the chief corner stone of the visible structure of that monarchy, which, tho' in its own nature altogether spiritual and metaphysical, affects to make the senses witnesses of its grandeur, and always prefers a real mathematical demonstration to one which is dialectic, and exists only in the imagination. No wonder therefore those gentlemen cry out so, when they are touch'd in the most tender part. Their complaint is divided into two heads. 1. Against the intermeddling in the establishment of pensions. And 2. Against the protecting of debtors that refuse to pay those that are already approv'd.

The republic of *Venice* meddles in the establishment of pensions no farther than to oblige the persons, in whose favour they are granted, to demand being put in possession of their temporal right, acquir'd by an indulto of the court of *Rome*, to the estates of any benefice, or prelacy; for the Pope has not the same prerogative as a lay sovereign, to put the beneficed person into the possession of the temporal part of his benefice. Now the privilege of putting a pensioner in possession of his pension, amounts to the very same thing; otherwise, if the one was practised, and the other not, 'tis certain that the court of *Rome*, who never loses any advantages for want of seeing them, would soon swallow up nine tenths of the re-

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venue of benefices, by giving the titles thereof to some obscure persons, and leaving them under an obligation to lay princes for their possession of the temporalities, whilst the Pope would not fail to assign exorbitant pensions to persons of greater note, and his holiness's chief favourites, who by that means would possess such great revenues, without the least dependence for it on the sovereign, out of whose dominions they arise. This alone is enough to confirm the sovereign in his resolution, besides that such pensions would be assign'd to foreigners as well as natives, and perhaps more to the former than to the latter; so that by this wise piece of courtesy they would easily triumph over the simplicity of the laity. For this reason, and to avoid inconveniencies that may happen by any one's enjoying estates in the republic, without owning their dependence on *Venice*, the senate has prudently oblig'd all that have revenues, or titles to any benefices, to own their legal and natural authority. As to the pretence of protecting debtors that refuse to pay the pensions already settled upon the temporalities, of which they are put in possession; it deserves a more particular consideration, and 'tis necessary that we pause a while, to inquire into the nature of those pensions, together with the time when, and the end for which they were establish'd.

Pensions are, or ought to be, in their nature, an effect of christian charity, not much different

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rent from the precept of giving alms; for if every believer is oblig'd by the gospel to relieve his necessitous neighbour with part of his superfluity, how much more is a beneficed clergyman bound to obey our lord's command, by relieving, with part of his revenues, others of the clergy, who want necessities, since he came *gratis* to the possession of the same, without its being either his acquisition, or his patrimony? Now, as all countries are not alike fruitful, nor all men equally rich, so all the prelates have not the same revenue. But the obligations of christianity are the same in all places; and require all mankind universally to discharge the duties of fathers and pastors towards all believers, and towards their neighbours, as they would avoid the reproach of the prophet, who said, *The little ones begged bread, and none broke unto them*; and moreover, *Jesus Christ* has taught, that *he that serveth at the altar, shall live by the altar*. From hence it follows, that the richest prelates ought to relieve the most indigent; which is doing two good things at once, *viz.* taking away the superfluity of one, and relieving the necessity of the other; both which will be meritorious of salvation to those who fight under the banner of *Christ*.

At first, there was no bull for settling the pensions; charity alone provided for the necessities of the poor clergy, and every rich prelate, of his own accord, inform'd himself what poor prelates were in his neighbourhood, and

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immediately relieved them as far as in conscience he thought convenient. But time, that destroys all things subject to its revolutions, by degrees cast such a damp upon those good and charitable dispositions, that in order to animate the cool zeal of some on the one hand, and to prevent confusion on the other, lest one person should have all the charity, and others be left to starve, it was found absolutely necessary to pass that into a law and obligation, which was at first but a custom, and depended purely on good will. The establishment of pensions was certainly very good, if it had not in some measure had the fate of Lucifer, who, at his creation, possess'd all the beauties, all the perfections, of which a creature is capable; but for his abusing them, became the type of all faults, and of deformity itself; and this, because he transgress'd the end for which he was created and endow'd with those great qualities. The same vice is common in all things, for the end is the cause of natural causes, and the agent moves only with a view to its end; from whence it follows, that 'tis the end which distinguishes actions, and makes them either good or bad. For example, a surgeon and a ruffian use the same means, viz. wounding, and effusion of blood; but their actions are quite different, and even contrary on two accounts, the manner, and the end; the one keeps a measure in letting out the blood, and has for its end the preservation, or rather the restoration

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restoration of health ; the other is stinted by no measure, and has for its end nothing but destruction and death ; Therefore the one is good, the other dangerous ; the one laudable, the other abominable. If our pensions now-a-days were as well laid out, as formerly, in the relief of starving pastors ; and if care was taken, at the same time, to over-rate no man's benefice beyond reason and equity, pensions would undoubtedly have all the merit and beauty still which they had at their original institution ; nor would they be branded as scandalous, and held in abomination, as they are now, but commended and applauded.

In the sacred canons, nothing is more talk'd of, next to the purity of faith, than the frailty of prelates, who ought to be examples to us ; and it must be confess'd that experience tells us, they have a very strong byass towards riches. If those riches indeed are annex'd to their prelacy 'tis well enough ; for 'tis expedient that some prelates should be rich, for the honour of the order, and for the advantage of religion on some accounts ; but if, with all their riches, they imitate the leech, which gluts itself with the blood of others, till 'tis ready to burst, there is no bearing with such conduct ; but as opportunity offers, there will be an absolute necessity to prevent the corruption from growing to a head. 'Tis an observation of physicians, that a human body of the most healthy complexion, which is in perfect

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good order, and free from any malignant humour, is in much danger, from a too great fulness of blood. Some women with child, if they would go out their time, ought to be blooded; whereas, if others were to do so, they would certainly miscarry; for what would be dangerous to some, would be safe for others, in whom nature has form'd too much blood. Remember that saying of the wife *Pittacus*, *nequid nimis*.

If indeed a prelate be not able to bear the weight of the pensions with which his revenues are charg'd, either because the harvest is bad, or because of any unforeseen losses, or extraordinary expences, and the creditor in the mean time proceeds to a sequestration of all his revenues, what shall the prelate do to supply his cure, unless the prince assists him by taking off the sequestration till he is in better circumstances? *Venter non patitur dilationem*.

Every heir has by law a year's time allow'd to pay legacies; but where a legacy is design'd to keep the legatee from starving, the heir is oblig'd to make immediate payment of it, because the withholding necessary subsistence, due to him that wants it, is the same thing in effect as putting him to death. How is it possible for a poor prelate, that must serve the Church with a decorum suitable to his Dignity, to pay certain stated pensions regularly out of his revenues, when his said revenues are so uncertain at best, and liable, in case of any of
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the aforefaid accidents, to a total annihilation? To oblige a prelate, in fuch a cafe as this, to pay penfions of this kind, before he lays by for his own fubfiftence, is the fame thing as to force a wretch that is e'en famifh'd, to hold bread in his hand, and not to eat it. *Moses* faid in the law, *Thou fhalt not muzzle the mouth of the ox that treadeth out the corn.* If a prelate, in fuch a predicament, has recourfe to his native fovereign, who muft be fuppos'd to know better than a ftranger the nature of the accidents alledg'd, and whether they are unavoidable and real, fhall not the fovereign grant him an abatement of the penfion, or longer time to pay it? I imagine that the gentlemen of the court of *Rome* will have two answers to make; one relating to order, the other to merit: As to order, they will be apt to fay, the cognizance of affairs of this fort is in the breaft of the Pope, that *illius eft interpretari cujus eft condere*, i. e. *he who makes the law ought to explain it*; that no body fhould prefume to interpret the Pope's bulls, and that if the accidents alledg'd are real, the Pope, after knowledge of the caufe, will not fail to relieve the petitioner. But to this I return the fame answer I have often given already, viz. That if the prelate who is thus aggriev'd, applies to the Pope for an abatement, the fenate of *Venice* will never oppofe him; but if the prelate implores relief from the fenate, it cannot be expected of them that they fhould de-

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ny it him. The senate know better what belongs to the rights of sovereignty than to commit such an error, and they are punctual to a nicety in discharging the most indispensable obligations of government. The complaint is of more consequence to the prelate who appeals, than to the sovereign to whom he makes it; but if I may be allow'd to speak my mind, I must own in conscience that I think such prelate has very good reason to decline his appeal to *Rome*; for he would be grossly mistaken, if he thought that whatever right he had, considering the unexpected misfortunes fallen upon him, he would find any relief from the court of *Rome*, who are persuaded 'tis their interest not to authorize, by any example, the opinion of those who alledge that pensions are capable of alteration. Mean time the court of *Rome* reckon this an obligation so indispensable, that whoever does not perform it, must never hope for preferment, tho' he has all the talents for an illustrious prelate; insomuch, that if, when a person passes his examination for the dignity of a cardinal, any one charges him, or any of his associates, with disobedience in this respect, 'tis enough to exclude him for ever from the purple. I don't wonder therefore at any one's refusing to plead before a court, which is both judge and party at the same time. Let it not be urg'd that the Pope is judge, and not the courtiers; for 'tis very well known that the Pope scarce ever

ever judges in this matter, but delegates commissioners, and that if, in cases of very great importance, he happens to give judgment himself, he always depends upon the report of his courtiers in the commission; and when they cannot succeed otherwise, they spin out so much time in trying new projects, or expedients, as eats up more than the profit of the revenue, and very often the party dies before he obtains a verdict.

The other objection I am aware of from that quarter is, that all the pretences for not paying pensions are feign'd, because pensions are never granted but upon such overplus of the revenues of a bishoprick, or other prelacy, as is more than sufficient to maintain the prelate; and that a pension is never ascertain'd, without due regard had to contingencies, that may happen either by bad seasons, or otherwise; from whence it is evident, that avarice, and not necessity, furnishes the debtor with pretences to refuse payment of the pensions. This is what they say, and if true, the pretence of pensions would fall to the ground; the conditions indeed would be observ'd, and nothing would be wanting, but to rectify the end of them, by granting them only to necessitous prelates, instead of rich ones, and sometimes even to the laity. But 'tis one thing to assert, and another to prove. For this reason, say I, the Council of *Trent* made an order that pensions should not be rais'd up-
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on bishops that had not above a thousand ducats revenue, or curates that had but five hundred; a remedy which needed not to have been prescrib'd, if the evil it was propos'd to cure had not been possible *in rerum natura*. But from hence it follows, that a pension of a thousand nine hundred crowns may be rais'd upon a bishop, who has a revenue of twenty thousand. Were the government of *Venice* to be the standard, if the bishop of *Padua* had not above a thousand ducats for his maintenance, the rank of his see would indeed give him the preference to the bishop of *Caorle*; but the latter would be counted the more wealthy man, tho' his revenue be but six hundred ducats; the reason is this, because the expence ought to be proportion'd to the city, clergy, and people. Therefore I think it must appear very unjust that the bishop of *Padua* should be stript, by this means, of the 20th part of his revenues, while I frankly own it, as my opinion, that the revenue of the bishop of *Caorle* ought to be augmented with three or four hundred crowns. But without pretending to astrology, I can divine that the first case will come to pass sooner than the second. If therefore the first, or what comes up near to it, should happen to be the case, and the prelate should invoke the sovereign for relief, I verily believe that the prince, besides the common obligation on him to do justice, would be sway'd by the motive of self-interest not to suffer

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suffer the ruin of his most eminent prelacies, and to let his bishops be reduc'd to want for the sake of enriching another that was wealthy before, and of making two bishops over one bishoprick; the one to receive the revenues, and the other to support the charge of it.

If one were to consider the invincible byass of the present age to pensions, it must be own'd that in ancient days people were much more frugal and moderate, which proceeds indeed from a canon of the Council of *Trent*, but without any fault of the law-makers. The good fathers of that Council, among their many decrees, made one of the best concerted, and most just that could be in positive law, which was a prohibition that no body should possess more than one bishoprick, or benefice, with cure of souls, at one and the same time. In the days of old, it was a very ill custom for a prelate to be set over several Churches, and a bishop over several Dioceses, a thing altogether as absurd, as for a man, who pretends to be a christian, to have more wives than one at a time. This irregularity gave cause for that laudable precaution contain'd in the canon, which has contributed so much to the advantage of the Church and people, and been observ'd so much more inviolably than all the others; for no bull has yet been dispatch'd contrary to it with the clause *non obstantibus*. But see now to what shifts some men have recourse for evading this law, either in whole,
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or in part ! As to the prohibition of possessing several Sees at once, they make up for it, or rather evade it, by having only one in possession, but by enjoying the revenues of several added to it by way of pension. And from hence it comes to pass that there are few prelacies with handsome revenues, that can escape being, as it were, moth-eaten by pensions, unless such prelacy be in the hands of some person of credit. This therefore is another just motive for the *Venetian* Government to oppose art with art, in cases that require their assistance, and is a farther justification of their granting protection to those that implore it.

XII. *That the ordinaries of places are hinder'd from fulminating excommunication, in cases pre-scrib'd by the Canons.* And,

XIV. *That schismatics, heretics, whore-mongers, and usurers, are suffer'd to live quietly and peaceably at Venice, while the prelate is not permitted to excommunicate them, or to punish them in any other way.*

The near affinity betwixt these two complaints, and our aversion to trouble the reader with vain repetition, have engag'd us to make but one article of both ; the rather, because there's no treating of the one without touching on the other. We cannot well inquire into the reasons why the ordinary is hinder'd from fulminating excommunication against the laity, till we have examin'd the crimes for which those excommunications are issu'd. And

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in the first place we will lay down this for the principle of our answer to these complaints. That at *Venice* the secular tribunal has always been consider'd as the only one, appointed by God himself in this state, to do justice, and to distribute rewards and punishments. The *Venetians* don't admit of the distinction made by the Court of *Rome*, that a man who is born the subject of one sovereign prince, can, upon any consideration, become the subject of another ; for at this rate, a subject is made the subject of another subject, whenever his bishop happens to be in the list of the subjects born within the same dominions. Whoever looks into the gospel, will find that the apostles gave the name of flock to the company of the faithful, and that of shepherd to the ecclesiastic superior. *St. Peter*, when he puts subjects in mind of obedience to their temporal sovereign, addresses himself both to laity and clergy. *Servants, be obedient to your masters with fear and trembling.* All that obey another, are not his subjects in a strict and proper sense ; and tho' a degree, which has another superior to it, may seem to imply a sort of subjection, 'tis *analogice*, and not *univoce*. Thus in the cœlestial hierarchy, the archangel carries the commands of God to an inferior angel ; but this does not imply, that an angel of the lowest choir is subject to any of the highest. In a monastery a prior commands his monks, whom he calls his subjects, but very improperly ; for they are not
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his subjects, but his brethren in the same obligations of monastical discipline, only with this difference, that 'tis the business of the prior alone to see the rules thereof observ'd. 'Tis the custom now-adays for bishops and prelates of any orders, to give their diocesans, or monks, the title of subjects. Perhaps it arose at the same time when the Popes first assum'd the title of Sovereign Pontiffs, forgetting the old appellative of a bishop, *Servant of the Servants of God*. It may be the gentlemen of the court of *Rome* will here be apt to think that I seek, by favour of this axiom, to retract what I have so often own'd in this treatise, *viz.* that there are very many cases in which laymen are subject to ecclesiastical jurisdiction; but if they should think so of me, they will be quite mistaken, and I know that a disputant can do nothing worse than to expose himself to the lash of his own arguments. I do not deny what I have confess'd, but am for examining into the true notion we ought to have of a subject. I know very well that the laity may be guilty of crimes which are cognizable by the ecclesiastical tribunal, but I will not own that they thereby become its subjects. Let it not be said that this is a dispute about words, for 'tis a necessary distinction, to which, it must be remember'd, I have already said, recourse ought certainly to be had in these cases, otherwise, if this point were to be given up, it would be needless to dispute the rest with

them :

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them : Therefore I repeat it ; if it be true, that all who are in some respects under a prelate's jurisdiction, are essentially his subjects, it would follow unavoidably that he might legally proceed against them for all manner of crimes, and it would be a crying injustice, if the sovereign should go about to violate that liberty. Let us now pass to the examination of the particular offences mention'd in the complaint :

As to the most heinous and enormous in the whole catalogue, viz. heresy, I agree that it comes within the verge of the ecclesiastical court. The government of *Venice* never took cognizance of a crime of this kind, which is quite out of the laity's ken ; and the secular tribunal neither ought, nor can penetrate into the several degrees of heresy ; because, to make this discovery, 'tis necessary to compare the doctrine of faith with the external marks of heresy given by the person accus'd. This is an examination by no means fit for a layman to make ; besides, in order to be a judge of this crime, 'tis necessary for the judge to have good attestations from some public academy, that he is an able divine. This knowledge may fall to the share of some private person, but a temporal prince would be never the better for it. Therefore I have reason to persist in my opinion, that crimes of this kind come before the spiritual court *de jure & de facto* ; and it was for this in particular that the Pope establish'd
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the tribunal of the inquisition, which, as occasion requires, not only condemns the guilty to spiritual penance, but even to corporal punishment. Indeed it does not inflict excommunication, because recourse ought not to be had to it for a crime already consummated, unless the criminal be obstinate and contumacious. But if, on the other hand, a man who has been convicted of heresy, either in his discourse, belief, or actions, repents of his crime, I grant that he may be punish'd corporally, but not driven from the unity of the Church by excommunication ; so far from it, that if he be already excommunicated, he should be restor'd to the Church, which ought to imitate the example of God, who punishes the greatest sinners by the death of the body, and not by the destruction of the soul. And as soon as a sinner repents of his heresy, the complaints ought to cease, that which was the cause thereof being remov'd.

As to schismatics, the complaint on their account can only concern the *Greeks*, who have that name given them by the court of *Rome*. I shall only bring one argument to resolve the whole dispute. If the lay tribunal of *Venice* should suffer the prelates to inflict corporal punishment on those they call schismatics, would not they thereby help to ruin and destroy their own subjects? for the *Greek* religion being receiv'd in a great part of the dominions of the republic, those of that Church would be oblig'd

lig'd always to shun the face of their natural sovereign, if they could not come to *Venice* without the danger of imprisonment, or banishment, for their different opinions. Now, as the discussion of this difference does not lie before a temporal sovereign, so he ought not to tyrannize over the consciences of his subjects, and thereby provoke them to go and live under the *Turk*, for the sake of enjoying liberty of conscience. Therefore we must pray to God to remedy this disorder, who, as he has founded and built his Church, both can and will repair and restore it to its primitive lustre, in the time appointed by his eternal decrees.

As to that part which relates to whoremongers and usurers, it requires a more particular consideration. These two crimes are some of those which ought to be refer'd to God's tribunal at the day of judgment. Indeed there are few or no crimes deem'd as such by the judges of the earth, which will not be criminal in like manner before God's tribunal, because civil laws are founded in the main upon the law of nature and the decalogue ; but it does not thence follow that every action, which is sin before God, is punishable by a humane tribunal, unless in case of immediate injury done to one's neighbour, to which must be added crimes that directly attack the divinity ; as blasphemy, which contains an insult upon God, and scandal to our neighbour, and consequently calls

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for twofold punishment ; one in this life, on the part of human justice ; and after death, eternal damnation by the judge of heaven.

We return to examine what is meant by whoredom and usury. Usury offends one's neighbour, because by wicked arts it seizes on the estates of others with rapacity and avarice. 'Tis a crime altogether subject to the temporal court, whose judge will be qualify'd to know as much of it, as is necessary, by the law and his own study ; and to pretend that 'tis a crime cognizable by the ecclesiastic court, because it offends the justice of God, and does injury to one's neighbour ; this is so general a reason, that it would subject the cognizance of all crimes, how secular soever, to the spiritual tribunal. Consequently, were it to be admitted, there would be nothing more to do than to acknowledge the spiritual tribunal for sovereign in *Venice*, as well as at *Rome* ; but the *Venetians* are not yet so dim-sighted as not to see the consequence. They have a magistrate on purpose to take cognizance of all contracts of usury, and to do justice to the sufferers ; for if they should punish any as public usurers, without better proofs than appearance and common fame, they might easily be deceiv'd, because none but God can judge without the help of witnesses and proof.

As to whoredom, 'tis a crime that offends one's neighbour only by ill example, just as simony, at which every one is most certainly scan-

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scandaliz'd, who sees it in a prelate. If every crime a man commits against his conscience, whereby he shews an ill example, were to be punish'd with corporal punishment, there would be a necessity for establishing a perpetual tribunal, which would have business more than enough; for every evil action carries an ill example along with it, and every sin is an evil action; from whence it will follow, that the whole world would be the prison of such tribunal, and the judge of it himself would not be free from censure; for a man scarce holds his integrity more than seven years. But this would be a severity not to be parallel'd, either in the law of *Moses*, or that of *Jesus Christ*. As soon as *Adam* sinn'd, he was only threatned with death; which, if we understand of the body, was deferr'd 930 years; and if of death eternal, he triumphed over it by his repentance. Frailty is one thing, malice another; and tho' there is no frailty where there is not some small tincture of malice, yet malice, properly speaking, is that which directly attacks the almighty power of God with an impenitent heart. We at *Venice* admit of a doctrine which the court of *Rome* cannot comprehend, tho' it be confirm'd by numberless experiences, viz. that brotherly correction is more effectual, than the sword of justice, to bring back those that have gone astray, and that good examples reform more than all punishments; *magis movent exempla quam verba*.

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St. *Augustin*, while he was a monk, resolv'd one day to go and preach thro' the city; accordingly he took his hood, and having only walk'd about with his companion till night, he then return'd to his convent. Upon this his companion took the freedom to ask him why he did not preach. I did preach sufficiently, says he; and this was really true; for the life of that holy man did as much good as his preaching, because he shew'd forth temperance and good manners, by his example, to that degree, that the people were more edify'd and convinc'd by such his silent way of preaching, than if they had been stated auditors of labour'd, polish'd harangues.

Experience sufficiently demonstrates, that this mild treatment at *Venice* brings a greater number of stragglers into the pale of the Church, and to the exact observation of discipline, than the severity us'd in other governments, which proceed to excommunication and imprisonment against the disobedient; besides, that this severity gives ground for hypocrisy; for when the impenitent find themselves in danger of excommunication, they will do all they can to avoid such a brand of infamy, and render themselves still more guilty before God, by approaching his altar without preparation, and for another end than merely to save their souls. Medicine, if taken in time, is wholesome, otherwise 'tis poison. Every one of our saviour's actions ought to be a lesson

a lesson to us. He set a fisherman at the head of his Church, and not a huntsman; because the one uses those murdering instruments the gun and spear, the other the net. The disciples having toiled a fishing one whole night, and taken none, *Christ* bade them cast their net on the right side of the ship, and immediately they had a great draught. Both these instances teach us, that a sinner must be taken, but not put to death; and that he must be catch'd with art, and not with violence: At *Venice* therefore a prelate never proceeds to excommunicate those who refuse to come to the holy table of the passover, lest one, who is already a fornicator, should become guilty of sacrilege; for if an article of faith, decided by the council of *Trent*, is true, viz. That the ungodly cannot be justify'd without preventing grace, this grace is not in all the power of man to bestow, whether by rewards or punishments.

XIII. *That if any one, having a call from the spirit, takes upon him the religious habit, they presume to expel him upon the least complaint of his parents, on pretence of his being seduc'd; and when any one is left in a monastery, the parents are authoriz'd to keep his estate.*

When the apostle *St. Bartholomew* preach'd the gospel to the *Indians*, the king sent for him to cure his daughter, who was possess'd with a devil. The *Bracmans* had try'd their skill a long time in vain; but the

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holy apostle only commanded the evil spirit, in the name of *Jesus*, to depart out of her, and accordingly he left her. This was very pleasing to the king's officers, and was not only a comfort to the king, but fill'd him with admiration of the deity, which was newly preach'd to him; nevertheless, he was not converted.: However, to shew his gratitude to *St. Bartholomew*, he gave him a great deal of gold; but the divine apostle convinc'd him that he did not desire riches, but that he expected a much greater reward, *viz.* that he would make a present of his soul to *Jesus Christ*, who would take great care of it in this life, and commit it at last in glory to eternity. The king, charm'd with his noble spirit, believ'd, and was baptiz'd; and tho' born in a country where there was an annual harvest of gold, he thought the contempt of worldly goods was a more certain proof of the truth of the new doctrine, than even the working of miracles, and casting out devils. During the *Babylonish* captivity, *Daniel* the prophet observing the blindness of those people, in trusting in their false gods, often endeavour'd to convince them of their folly. Those ignorant wretches, to prove the divinity of their pretended deities, told him that their king sent every day into the temple forty sheep, seven oxen, a great quantity of bread and wine, and that tho' the gate was then shut, and sealed with

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with the king's seal, yet next day in the morning to be sure all was consum'd. *Daniel* could not help smiling at such a proof of a godhead as this was, and said, that was rather an attribute of a wolf, and not of a true God, who has no paunch to fill, nor no occasion to feed. They are your priests, says he, who live upon those victims, who, being as arrant cheats as the idols they worship, knavishly rob the altars of the sacrifice. Therefore, having scatter'd ashes privately upon the pavement of the temple, they discover'd the footsteps that led to the den, thro' which the priests enter'd privately in the night, and stole away the offerings, with which they plentifully maintain'd their families.

St. Ignatius, the most pious founder of the society of *Jesus*, gave an instruction to the Jesuit *Cosimus Torres*, travelling to *Japan*, which might serve as a gospel and rule to all clergymen, especially the regular friers. The substance of which instruction was, to subdue their passions, to throw off all self-interest, and especially never to touch the alms of believers to the poor; because, said he, 'tis almost impossible to touch pitch, and not be defil'd therewith. This holy man us'd to say, that if he had but four companions entirely disengag'd from selfish views, he would not despair of converting the whole world; for he saw that this virtue had every body's good word, but that very few practis'd it.

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The *Florentines* were so edify'd by the good example of their countryman *Philip de Nery*, that one of his kinsmen, who was very rich, offer'd to make him his heir ; but he, good man ! tho' ty'd to no order, nor no monastic vow, thanked his generous kinsman, refused the offer, and advis'd him to find out an heir of another temper, who would, no doubt, very gladly accept it. All these remarks must satisfy the wise reader, that religion and riches are by nature quite incompatible, tho', for certain reasons, they are sometimes permitted to go together. I myself, who affirm this so positively, cannot say I am altogether free from censure in this respect. I was form'd of the same clay as the rest of mankind, which, tho' never so much season'd in the fire of charity, comes out as brittle ware as the other vessels of the age. *Isaiah* said, *all our righteousnesses are as filthy rags*. But as on the one hand, I make this confession in justice to the truth ; so on the other, I cannot help praising that sovereign, who, when he discovers that any person is seduc'd to take the habit on him, makes use of his absolute authority against such sacrilege, by setting the person seduc'd at liberty ; for even supposing the vocation to be really from the spirit, this interruption can never destroy it, but it will rather come out finer, like gold out of the furnace. How many rubs did *St. Thomas of Aquinas* meet with, both from his father and kindred, who were loth he should

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should embrace the monastic life? But what end did they serve, only to shew that his was not the persuasion of his mind, but the call of grace? *The wind bloweth where it listeth, and thou knowest not whence it cometh, nor whither it goeth.* This conduct is so far from being injurious to religion, that 'tis strictly conformable to the canons, which prescribe a great many cautions to be us'd in the examination of those who come to make their vows, thereby to discover whether they are sincerely dispos'd to make an entire surrender of their will to God's. Let not the senate therefore be accus'd of too readily lending an ear to parents complaining of such seduction. For, I say, that when a disorder is to be prevented, too much credulity is a less crime than to tolerate the inconveniency, out of a scruple to oppose such or such friers. Religion is never a gainer by persons that are merely seduc'd into it; because, as 'tis observ'd in nature, *that nothing violent is lasting*, repentance comes upon the neck of such rash resolutions, and drives a great number of souls into utter despair. Religion loses no more by not admitting such friers, than a captain does by not inrolling a faint-hearted, cowardly soldier. Now, on the other hand, if the accusation be false, the person is at his liberty either to enter into the same order in another country, or into another order in the same town, and is welcome to make profession thereof accordingly; for *in my father's*

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ther's house are many mansions. Every monastery is a strait road to heaven, if the monks that belong to it don't reel out of the way.

But the other part of the grievance is, that if a novice stays in the cloister, the parents are authoriz'd to appropriate his estate. The only way to prevent a gangreen, is to lay the plaister right upon the wound. 'Tis amazing, I think, that we hear no complaint of any one's being forc'd to quit the habit of an order of friers, who don't allow of possession of lands, but live, as we say of oysters, upon the dew of heaven. The *Partisans* of the court of Rome will tell me that parents, instead of afflicting themselves, are commonly very easy when any of their family puts on the habit of that order, because then their estates remain to them without any trouble; and therefore, if their children, &c. were seduc'd, they would have no need to complain. But there's nothing in all this objection; for seduction, as to these orders, is a perfect chimæra, and can exist nowhere but in a disturb'd brain; and therefore no wonder they don't complain of what is not in being. *Omne agens agit propter finem*, i. e. every agent acts for some end, said a certain philosopher; and *David*, in his addresses to God, says, *I have inclin'd my heart to perform thy statutes alway, for the recompence of reward.* What would a capuchin be the better for persuading any one to put on his habit, since the new frier would be incapable of doing him any good;

good, either in public or private? on the contrary, the more there are in commons, the less must be every one's allowance. I will not here mention by whom, and when such complaints have been made e'er now. I will only say, that *St. Ignatius* made good laws, which, observ'd with that zeal that commonly attends novelty, have contributed very much to the edification of the mind, but little or nothing to the edification of the convents of his order. *St. Paul* lays down the rule of an apostle's life in two words, as *having nothing, and possessing all things*. 'Tis often said, I know that miracles are ceas'd, and that therefore 'tis a duty, where 'tis possible, to give the preference to the last clause, and to avoid the first. But I declare this is a mere carnal reasoning: 'Tis so, they will answer; but such conduct is now permitted. I don't deny it; but then 'tis by way of dispensation, not to procure a great good, but to prevent a greater evil. The *Pharisees*, hearing *Jesus Christ* preach that matrimony made two bodies one flesh, objected to him, that *Moses* allow'd writings of divorcement in his law. But what said *Jesus Christ*? he said to them, *it was not so from the beginning; and Moses* suffer'd you to put away your wives, *because of the hardness of your hearts*.

To return to our argument. Tho' the most serene republic is very careful to prevent persons from being seduc'd into a cloister, they don't deny any one that's free to enter; and if
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any one, whether great, small, or rich, has a mind to put on the habit of any order, and gives proofs that 'tis the effect of mature deliberation, in a proper time and manner, he need fear no opposition from the senate; and if he has a mind, he is free to leave all his estate to the monastery. But *St. Austin* says, *Qui vult ecclesiam instituere, & filios exheredare, alium querat consultorem quam Augustinum*, i. e. *He that would disinherit his children, and make the church his heir, must not come to me for counsel.* Let it only be a caution, that a resolution of such importance to the age, to the parents, and to the person himself who makes his vows, be natural, and not counterfeit. How many of the most serene doges, surfeited with human grandeur, have put on the habit of *St. Benedict*, without the least opposition? But all our concern is for those raw striplings, who, young as they are, yet boast they shall always hold out against the motions of nature, which is so prone to evil. To sum up all in a word, youth are interrogated and examin'd; but as for adult persons, who 'tis suppos'd are wise enough to resist seducers, they are not subject to such scrutiny.

The last grievance of all is the *violences*, as they think fit to call them, practis'd by the senate upon those that sail in the gulph, by forcing such as carry provisions, merchandise, instruments animals, salt, and all other goods that pass thro' it into the rivers of *Romagna*, to pay certain imposts.

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After so long a discourse, we are now fallen, as we may say, into an ocean of complaints, since we are come to those grievances which relate to the gulph. These complaints, in order to be just, ought to have at least one of these two motives, *viz.* either that the duties demanded are exorbitant, and unreasonable; or if they are moderate, that they are demanded by violence, and without any legal title. When the sovereign, by exacting any tribute, offends in either of these two respects, he justly incurs the reproach of committing an injury, and an unjust action. To answer in two words the complaint against the exorbitancy of the duties demanded, I will only say, that the duties and excise, which the most serene republic demands of those who transport effects thro' the gulph to the markets in the Pope's dominions, are neither more nor less in weight, and measure, than what the government demands of merchants that import the same wares into *Venice*. I don't know that 'tis any where commanded us to love our neighbour better than our selves, this being a peculiar attribute of *Jesus Christ*, who loved human nature better than his own humanity.

When sailors are caught endeavouring to run goods into *Romagna*, without first paying the duties, they are condemn'd to the confiscation of more than those duties would amount to. This is the common method of punishment in *Venice*, and every where else,
for

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for those who are taken defrauding their sovereign of his rights. All impartial persons look upon it too as an act of justice; for if, when such fraud is committed, he who is guilty of it runs no greater risk than paying the bare duties, there's no body hardly but would venture being a knave on such terms, because he might chance to find his account in it; and if he should happen not to succeed, he runs no risk, because, if he is discover'd, he can but pay the duty; and if not, he gains all the value thereof clear to himself.

This, I say, is the weight and measure dealt to the subjects of the republic, according to the common standard. Therefore there's no reason for complaint on this head, and those who make it, must be such as love to complain, whether they have reason or no.

I will add further; if the goods that pass thro' the gulph should be extraordinary dear, or wanted in *Venice* for the support of the inhabitants, then they would be stopt by force and authority from going to *Romagna*, and not so much as suffer'd to be carry'd out of *Venice*. Mean time it could not be reckon'd a piece of injustice; but rather a case of necessity, and authoriz'd by the custom of other princes, who in the like cases of extream necessity, which is superior to all laws, have not only caused provisions, but even ready money, to be stopt, when they have wanted the same to answer public occasions. There are many instances

instances of this, but the most serene republic never us'd this method with respect to money. Princes are justify'd in acting thus, because every thing within their dominions ought to be subject to their commands, when their views are honest, and when they take care to ascertain a just equivalent. But enough of this already.

Now, if the court of *Rome* complains not against the violence of exacting those imposts, but questions the authority and title of the republic to raise them; I say, that both their authority and title are indisputably legal, so long as the republic is own'd to be the sovereign of the gulph; for 'tis by virtue of the same title that every sovereign has a right of demanding the imposts, or duties of importation, from all merchants that trade in their dominions; and 'tis by virtue of this same title that the Pope himself raises the gabels in *St. Peter's* patrimony. Therefore the whole objection must vanish upon the proof of the republic's legal sovereignty over the gulph; which being an affair of the greatest concern, not only to the Pope, but also to other sovereign princes, it would require a discourse of equal length to the importance of the subject, because in matters of this nature nothing less than the fullest proof will avail: But, as a formal treatise on this head would be ungrateful to the reader, we shall only give the substance of what might be urg'd, with all possible

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fible brevity ; and, after having said just enough to prove our thesis, shall reserve to our selves the liberty of saying more, to satisfy the curiosity of the public,* at another time and place.

It was a good observation of a skillful lawyer, that whoever went about to prove a title of possession, founded upon law, in favour of a private man, could not possibly succeed, unless it concern'd the *Jews* with respect to the promis'd land, which God gave to that nation, or unless it concern'd any other person in our own times, who should purchase of the lawful sovereign the *Flashes* of any river. The producing the successive titles of the third, fourth, and fifth possessors, is no full proof that there was not some usurpation formerly, during the invasion of the *Barbarians* upon *Italy*, and especially in the time of *Attila*, when our forefathers left their towns, and agreed to bury all the gold they had at the bottom of wells, which they could never find out again, because fire, desolation, and death, had destroy'd all the marks of their former habitations. Their descendants remember'd very well that there were treasures hidden ; but not knowing where, they were so wise for many ages, that when they sold one another a house, or land, they took care to insert in the deed of sale
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* Father *Paul* afterwards compos'd three treatises upon this subject, which make a part of the sixth Tome of his works.

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these words, *salvo jure putei*, i. e. *saving what's in the well*; by which the seller reserved to himself all his right to all the great treasure that might, by good luck, be found out one time or other in such house or field. This has been the custom for so many hundred years, that if such treasure were to be found now, it would be impossible to know the true owner of it, because every seller had the precaution to stipulate the same saving clause for himself; so that it would be necessary to go back to the time of *Attila*, which would be impracticable, on account of the variety of accidents that have happen'd since. Therefore it was at last agreed that the reservation should be in favour of him who was in actual possession, at the time such treasure might be found, of such field; or house where it was conceal'd; because, in things which depend on time very far back, there cannot be a better title in nature than a long and continu'd possession. Now to apply these reflections to the case in hand.

The republic is in possession of the sovereignty of the *Adriatic* sea, which all modern cosmographers, forgetting the ancient name, call the gulph of *Venice*. Whoever shall offer to dispute that sovereignty, must of necessity shew that some body had the legal domain thereof before the republic, and what right any one had to it; it must also be prov'd that

[PART II.]

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such

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such possessor never forfeited those rights, or suffer'd them to be lost. If the Pope should dispute this sovereignty with the republic, on pretence that the rivers, which run west into the gulph, come out of his dominions, the republic might justly urge the very same plea, because the rivers that fall into the gulph, from their dominions, on the eastern coast, are more in number than those that come from the dominions of his holiness. The same pretence might also serve the king of *Spain*, because *Abruzzo* and *Apulia* lie upon the coasts of the said gulph ; but his rights are confounded with those of the Pope, because those provinces are a part of the kingdom of *Naples*, which the kings of *Spain* hold as fiefs of the holy See ; and certainly their rights cannot be greater than those of the direct lord of the said fiefs ; consequently the pretensions of those monarchs must be inferior to those of the republic. The *Grand Turk* might as well claim the same right, upon account of *Albania* and *Epirus* ; but I don't believe the Pope would join issue with that potentate, because there is such a mortal enmity betwixt them, that they study each other's destruction. Thus it has been fairly prov'd that the Pope, who makes such a sad outcry about usurpation, can produce no reason, no law, that is fit to be put in the balance with the rights of the republic. Perhaps the Pope, finding he cannot be sole lord and master of the gulph himself, would be glad
to

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to see the sovereignty of it shared: But this is what the republic will never consent to; for besides other reasons, that are common also to the holy See, they have the right of possession almost time out of mind; and moreover, if the disemboguing of rivers into the gulph gave any right to the sovereignty of it, the *Turk* must also come in for his share. This possession, in its own nature, added to many other very important circumstances, extreamly fortifies the republic's right of sovereignty over the gulph.

When the republic first took the advantage of this sovereignty, 'tis hardly to be suppos'd that so many princes, as are concern'd in that See, would have put up with it so silently, if at that very time they had not been convinc'd of the *Venetians* right to that possession. For then it had been liable to be call'd in question as new, and no doubt it had been protested against, because it was easy to foresee that time would have corroborated their pretension. But 'tis certain that all the princes concern'd to speak were silent, as being convinc'd they had nothing to say against it.

Wheresoever the constitutions of *Justinian* are receiv'd, this maxim of law is constantly observ'd, *Quæ in nullius bonis sunt, fiunt occupantis*, i. e. *Those things which belong to no body in particular, become the property of the possessor.* Now, I say, there are two ways by which a thing may be said to be-
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long to no body ; the first, when it never had an owner ; as the beasts in the woods, the fish in the sea, and the birds in the air ; which whoever takes in a public place, becomes the legal possessor of ; the second, not because it never had an owner, but when its owner has long neglected it, and not defended it as he ought, nor reclaim'd it after its falling into other hands. This desertion consider'd after such a term of time, longer, or shorter, according to the importance of the thing, gives reason to think that the master has voluntarily given up his property therein. I will give an instance of this from the Scriptures. *Ruth* gather'd up the ears of corn, which the reapers had left in the field : Their master *Booz* saw, and permitted her, which made her the legal proprietor of all the sheaves she had glean'd, tho' they were before the property of *Booz*, in whose fields they were sown and grew, but escap'd the reaper's sickle.

Upon this principle I shall now propose a dilemma, taken both from the divine law, and those of the empire. Either the gulph had never an owner, and in this case the republic might justly take it into their possession, or else it depended on some one or other who abandon'd it ; and in this case too the republic was in the right to take it to themselves ; because the former proprietor, whoever he was, did, by virtue of such abandoning it, lose, or give up his right. Now let us see which, of
all

all the christian princes of our time, might have been anciently lord of this gulph, and by that means we shall know whether he has actually abandon'd it. If the Pope pretends to the ancient sovereignty of it, by reason of his territories lying upon it, I have already observ'd that the republic has more land contiguous to it than he; besides, that the being lord of the shore, does not necessarily imply being lord of the sea too; for how many private men are there who have lands which form the banks of rivers, and yet have nothing to do with the stream? the same objection will hold also against *Spain*, not only on account of the vicinity of its territories to the gulph; but because it holds those territories as fiefs, and not by the title of direct sovereignty. If we were also to mention the *Turk*, which is really needless, the best we could say, would make for the advantage of the republic; for the *Turk*, tho' barbarity and rapine are his profession, has no view to the gulph, being convinc'd that the republic has the best right to it. We infer therefore upon the whole, that the Pope can plead no right to the gulph, upon account of the rivers in his dominions that have their mouths in it. This being demonstrated, what will the court of *Rome* say next? why undoubtedly they will have recourse to the donations of the emperor *Constantine*, and the countess *Mathilda*, or *Maud* (of *Tuscany*.) But let them say, for argument-sake, that these

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donations transferred all the rights, which the emperor had over the gulph, to the holy See, and that as at that time there was no such thing in nature as the republic of *Venice*, the Pope was left sole lord and master of the gulph. I answer, that donations resemble indulgences, which, in the opinion even of the court of *Rome*, *tantum valent quantum sonant*. If either of these celebrated donations makes express mention of the gulph, it follows of consequence that the Pope would have been in possession of it at that time; but if they do not mention it, 'tis as plain a consequence that he has no pretence to it; we find, every day almost, that one man gives another the crop of his land, when 'tis not to be suppos'd he means to give him his land into the bargain, but only the power of gathering in the product of it. Neither is there any more reason for claiming things on the score of being appendages, when those same appendages are of little less importance than the principal, if not altogether equal to it. A person who has a house given him, or bequeath'd to him by will, would make himself very ridiculous to lay claim to the goods also therein contain'd; because, if the donor, or testator, had so intended it, he would not have fail'd to express that condition, especially since it often happens that the furniture is worth more than the house itself. A stout *Corsair* desir'd leave of the governor of a maritime place to enter his port, and stay there
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till next day. The governor consented ; but when he was got in, he pretended he'd tarry there for good and all, and that the port was, by that piece of complaisance, yielded to him. What we have said, is only to shew that donation cannot have this effect ; but supposing, for once, that it did, the Pope would still have lost his right exactly in the same manner as the emperor of the east has lost his ; for as to the emperor of the west, he never pretended to it. Now the emperor of the east lost his, either by voluntary desertion of the gulph, or by his inability, or neglect to defend or keep it ; from whence it follows, that the republic has possession on this account, by the legal right of the first possessor. It was about the year of our redemption 300, that *Constantine* was baptiz'd ; and soon after he translated the seat of the empire to *Byzantium*, to which term is referred the grant he made to the Pope of the provinces, which form'd the terrestrial dominions of the Church. From the 3d century, to the end of the 8th, the Popes receiv'd from *Constantine's* successors, one while favours and privileges, another while outrages and imprisonment ; and as the authority and credit of the emperors in *Italy* declin'd every day more and more, that country was sometimes tyranniz'd over by the *Lombards*, and at other times ran sack'd by the *Goths* ; during which, the *Adriatic-sea* was always infested by the *Corfsairs*. The emperor abandoning the de-

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fence of those countries, partly by his own inclination, and partly for want of ability to protect them, the Pope was often oblig'd to have recourse to the *French*; so that at length *Stephen III.* going to *France* in person, did there obtain succour against the *Lombards*. From that time, the maritime forces of the *Venetian* republic began to be formidable; for 'tis recorded in the annals of *Venice*, that in 728, at the intreaty of the emperor *Justin*, and Pope *Gregory*, the *Venetians* forc'd the nephew of the king of the *Lombards* to retire with his garrison from *Ravenna*, and restor'd that city, *bona fide*, to the jurisdiction of the *Exarch*. This event proves that then the emperor had but few ships in the gulph, if he had any at all; that the Pope had none neither, and that both the one and the other were oblig'd to implore the naval assistance of the *Venetians*.

Another instance of their power is as follows: *Charles I.* king of *France*, who was afterwards call'd *Charlemagne*, or *Charles the Great*, having a mind to besiege *Parvia*, the republic, in 773, sent him a good squadron of armed barks, which pass'd thro' *Tesino* to the *Milaneze*. This great king was such a hearty friend to the interests of the Popes, that as he deserv'd, so he receiv'd the greatest favour that ever was conferred by the holy See, viz. the privilege granted by *Adrian*, and confirm'd in a Council of 153 bishops, whom the said Pope assembled at *Rome* for that very purpose, by which

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which grant the kings of *France* were put in possession of a right to elect all future Popes ; a privilege so glorious, that it dazzled the eyes of *Lewis*, *Charlemain's* son, to that degree, that he renounc'd it in the reign of Pope *Paschal*, restoring the election to its ancient channel, on condition, that when the Pope elect was consecrated, or rather crown'd, he should send ambassadors to *France* to confirm the peace.

At length, in the year 800, Pope *Leo* considering the daily declension of the eastern empire, and how much injury the papacy suffer'd by it, because *Italy* was in a manner abandon'd ; he had the courage to crown his trusty friend *Charles the Great*, with the title of *Roman Emperor*, in *St. Peter's Church at Rome*, exclusive of the then *Greek* emperor *Constantine*, Son of *Ireneus* ; who was forc'd to bear the injury with patience, because he was not in a capacity to resent it ; which is a further proof that at that time the *Adriatic-sea*, or gulph, was at the mercy of the *Corsairs*, and become the easy prey of the strongest power, in which number the republic of *Venice* had shewn, by past experience, it might justly be reckon'd. Not long after, *Constantine* fell a sacrifice to the sedition of his subjects, and *Niceforus* succeeding him, occasion'd that famous division of the empire into eastern and western, in the year 802 ; to which three sovereigns consented, all from different motives.

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The Pope, to give a sanction in some measure to his right of crowning the emperors, which he had assum'd in the person of *Charlemain*, without any authority ; *Charlemain*, to give a sanction to his new possession, which he had just acquir'd, without any right ; and *Niceforus*, to diminish the number of his enemies ; for he found, that having not the power in his own hands, he could not revenge the affronts he had receiv'd, and was but too sensible that his own advancement was merely owing to violence. A peace was therefore patch'd up between these two emperors, by the mediation of the Pope, after having divided the whole christian world, and assign'd each of them his share thereof, leaving only three dutchies exempt from such subjection, viz. those of *Rome*, *Benevento*, and *Venice* ; and moreover, the embassadors of those two emperors declar'd, that the *Venetians* should enjoy entire liberty under their own Laws. To the eastern emperor, *Niceforus*, were assign'd in *Italy*, *Apulia*, *Calabria*, *Sicily*, and the dutchy of *Naples*, as far as *Gaeta* ; and all the rest of *Italy* was *Charlemain's* portion, as emperor of the west.

Thus I have perform'd the promise I made, to prove that *Constantine's* donation gave the Pope no manner of right over the gulph, and that, if it had, the then Pope yielded it up, by consenting to the division of the empire, and by approving the settled limits thereof, as
already

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already mention'd ; for the emperor of the east could never have made himself master of *Apulia* by force of arms, if the gulph, thro' which he must pass directly from *Constantinople* to *Apulia*, had belong'd to the Pope. I say nothing of *Sicily*, *Calabria*, and the dutchy of *Naples*, tho' they are territories that lie not far from *Apulia*, because they are situate upon the lower, commonly call'd the *Tyrrhenian*, or *Mediterranean* sea. Add to this, that the then Pope *Leo* would not have been silent, and suffer'd those limits to be assign'd thus, without disputing it, if he had but so much as thought that the same was any prejudice to his property ; so far from this, he was the very man that negociated the whole affair ; for *Nicesorus* had his hands too full at home, by reason of violent intestine quarrels, to think of carrying his arms into *Italy*. We may well conclude therefore from this Pope's silence, that he was persuaded he had no reason to complain of harm done him, for, in short, he never had any naval force in the *Adriatic* sea.

Admit therefore, according to the remarks already made, that there's not the least mention of the gulph in *Constantine's* donation, it will follow very clearly that the Pope has no right to it, especially since, as we have already shewn, his possession of rivers that run into it, signify nothing to the purpose.

After

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After *Constantine's* time, the forces of the republic increased every day, so that in the year 805, they were strong enough to ruin the army of *Pepin*, who was so officiously obsequious to the solicitation of *Fortunatus*, bishop of *Grado*, that he dar'd to surprize *Chi-ozza*, and even to attack the city of *Venice* from its lakes, where he was routed ; which soon produc'd a treaty of peace with the republic, whose bravery, on that occasion, gain'd them a great deal of glory.

In 828, the republic gave farther proofs of their valour by sea. The *Moors* of *Africa*, after having landed in *Tuscany*, and made an inroad as far as to *Rome*, where they plunder'd the Church of *St. Peter and Paul*, without the walls, went on board again, and fell upon *Sicily*, which was a dependency of the *Greek* empire. But the *Venetians* dispatch'd a fleet into those seas, which made the affrighted *Africans* retire ; and thus they preserv'd that island to their friend and ally the emperor of the east. I do not mention these things to celebrate the glory of the most serene republic, this being neither a proper time nor place for it ; but only to convince the reader, that both the *Greeks* and *Italians* were then quite destitute of naval forces, while those of the republic were, on many accounts, formidable. It follows therefore from thence, that the gulph, being abandon'd by the *Greeks*, was defended only by the arms of the *Venetians*,
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who by consequence were very properly masters of it, as has been prov'd by demonstration as clear as any in the mathematics.

About the year of our Saviour 1000, the people of *Istria* being quite weary of obeying a Prince who could not, nor would not defend them, and being also expos'd to the continual incursions and piracies of those of *Naranto*, sent ambassadors to *Venice* to offer their submission to the republic; accordingly they were receiv'd as good subjects, and the then doge, *Peter Urceolus*, pass'd into *Istria*, at the head of an army, to take possession of their country, threatening the *Narantines* with utter destruction if they continu'd their incursions. Upon this they comply'd, and begged peace, which was granted them; and thereupon, of their own accord, they yielded up all their pretensions to the gulph. The republic had not held their new dominions long before they were disturbed; for in 1059 *Zara* revolted at the instigation of the king of *Hungary*, so that there was a necessity of applying to force, for the recovery of what was first obtain'd by a voluntary surrender; and this the doge, *Dominicus Contarini*, effected accordingly, sword in hand.

Twenty years after, that is to say, in 1079, *Robert de Guise*, being assisted by the *Normans*, attempted to drive the *Greeks* out of *Tarentum*, having already taken *Otranto*; but the *Venetians* confederating with another *Niceforus* (*Botaniates*)

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(*Botaniates*) gave him battle, and defeated him, so that he got nothing at all by his invasion. If the *Greek* emperors had thought the republic's pretensions to the sovereignty of the gulph an injury to them, they would not have call'd upon the *Venetians* so often for their assistance, as their good friends and allies. But as *Tacitus* well observ'd, that a new servant is commonly mark'd out for the sport of the rest of the domestics, the same thing is true of princes, the newest of whom is sure to be the butt of the others jealousy, or hatred. The king of *Hungary* could not bear the *Venetians*, his new neighbours in *Dalmatia*; therefore he push'd on the *Zarians* to a second revolt, which provok'd the republic to take arms again, and under the conduct of the doge, *Ordelafo Falliero*, in 1117, they were reduc'd to their good behaviour.

In the year 1123, the republic being as zealous as any christian prince whatsoever for the propagation of the faith, and to give testimonies of their piety, sent towards the conquest of the holy land a strong fleet of three hundred ships, commanded by the doge *Dominicus Michael*, who caus'd the siege of *Jassa* to be rais'd; and conquer'd *Tyre*; of which city the other christian princes, their allies, yielded them one third of the domain, as an acknowledgment of their service. The doge being at that juncture in want of money, because he was so long absent, had recourse to

an expedient to coin money of leather, which every one took readily upon his credit ; and he was no sooner return'd home but he call'd it all in, paying the full value in gold and silver ; and to this day, the descendants of that illustrious general bear the said leather coin in their arms, in memory of the said event.

This expedition lasting above two years, the king of *Hungary* gave a plain proof of his ill intentions towards the republic, by engaging the *Greek* emperor to forgoe the many obligations he had to the *Venetians*, and to join with him in invading their dominions in *Dalmatia*. Accordingly they made a sudden incursion, and presently took in *Zara*, *Spalato*, and *Trau*. Upon this the doge *Michael* was recall'd with all speed from *Syria*, and he came time enough to give such a check to the emperor, that he was able neither to pursue his conquests, nor to hinder the doge from making just reprisals for the loss which the republic had suffer'd, and from recovering all that the enemy had taken. The doge return'd from this expedition crown'd with laurels, and every one was then convinc'd that the most serene republic was in a condition much rather to be fear'd by their enemies than despis'd. Tho' the recital of these events may seem foreign to the subject in hand, yet they serve to prove, that as the republic was in possession of the sovereignty of the gulph so long ago, so they have since
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been in a condition to maintain that sovereignty, and to confirm it more and more.

When the empire of the east changed hands; the consequence of it was no more than what we see happens every day. *Manuel Comnenus* was as great a friend to the republic as his predecessors were enemies; and the former hatred betwixt the two dominions was succeeded by a strict alliance, with a view to oppose the invasion of *Roger II.* who not only took *Sicily* from the *Greeks*, but surpriz'd *Corfu*, *Corinth*, *Thebes*, and *Negropont*. The doge, *Peter Polani*, join'd the forces of the republic to those of the *Greeks* in 1149, and gave such a blow to *Roger's* fleet, that after the loss of twenty of his gallies, he had no way to get off but by flight; and in the heat of the victory the doge reconquered for the emperor all the country which his enemy had taken from him in the *Levant*.

But a little time made it fully appear that nothing is more slippery, or less to be depended on, than the friendship of princes. Tho' the emperors of the west certainly ow'd the origin of their dignity to the Popes alone, yet in process of time, and by the change of interests and sentiments, they became the Popes sharpest persecutors. The great schism began during the pontificate of *Alexander III.* who was the true Pope, having been canonically elected, and invested in the holy see by a greater majority of the cardinals than was necessary;

cessary ; for only three of the conclave voted for *Victor*, who, tho' he had no right to the popedom, for want of friends and suffrages, yet presum'd to take the name of Pope, and had recourse to the emperor *Frederic Barbarossa*, whom he made the judge of his title.

Alexander made no scruple to reject the authority of the said tribunal, and *Frederic*, without hearing him, pass'd a decree in the Antipope's favour, contrary both to order and the merits of the cause ; contrary to order, in that *Frederic* made himself a judge in a cause which was not within the cognizance of the secular power ; contrary to right, for that he gave the cause in favour of an apostate. *Alexander*

therefore, justly provok'd at this outrage, fulminated the *major* excommunication against both. *Frederic* was as hot as the other, and declar'd himself openly the enemy and persecutor of Pope *Alexander*, being fully resolv'd to take that surprizing vengeance, which was

the source of all the grievances, with which christendom was afterwards oppress'd. *Alexander* being frightned with the emperor's blunt menace, stole privately out of *Rome*, and retir'd to *Venice* ; where he was for some time incog.

But the divine providence making him known, he was accosted with the honours due to him ; and not only so, but assur'd that he should enjoy all the privileges of a sanctuary, and command what succours he pleas'd from the republic. Accordingly the doge *Ziani* soon after

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put to sea with a fleet of thirty galleys, in quest of that of the emperor ; and the Pope having accompany'd him to his ship, bless'd him, and with his own hands gave him the general's battoon, not after the manner of the customary presents which the Popes are us'd to make to princes that deserve well of the holy See, nor as a presage of his future victory, but as a testimony and token of the *Venetians* sovereignty over the gulph. He sail'd, found out his enemy, fought, and routed him in the sea of *Istria*, near *Albona*, where the people observe the anniversary of the victory, even to this day. The imperial army was quite ruin'd, and *Otho*, the rebel emperor's son, taken prisoner. Thus the illustrious doge revenged two injuries at one and the same time, viz. the persecution rais'd against the Pope, and the disturbing of the *Venetians* navigation in the gulph ; and at his return to *Venice*, the Pope receiv'd him with all imaginable respect, and greeting him with a world of joy, made use of these expressions: *Salve, dominator maris, & accipe annulum aureum, & singulis annis, in die ascensionis domini, desponsabis mare, sicuti vir mulierem. i. e. Hail, lord of the sea, and take a gold ring, with which every year, upon the day of our lord and saviour's ascension, thou shalt marry the sea as a man doth a woman.*

Some would infer from these words, that the republic holds the sovereignty of the gulph only from an indulto of the Pope; but they

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are quite mistaken; first, because the Pope could not grant what he had not to give, or dispose of any thing to which he never pretended any title. Secondly, these words, consider'd with respect to sovereignty, are only spoke in a sense declaratory, and not constituent, just as when a person, saluting a prince, gives him the title of lord or king, whereby he owns, but does not invest him with that dignity. In short, if those terms of speaking had included a grant, the Pope must necessarily have express'd the particular sea of which he gave him the sovereignty, for otherwise the general expression of *dominator maris* would signify the dominion of all the seas upon the face of the globe; which would be perfectly ridiculous, and as much as to say that the Pope thought himself qualify'd to dispose of the sovereignty of the whole ocean. But considering the holy father's expression, as we explain it, in a declaratory sense, he was not under a necessity to explain himself more particularly, when he saluted the doge with the title of *lord of the sea*, because this naturally referred to a thing known of itself, viz. to that sea of which every body had before own'd the doge for lord and sovereign. The forms of expression which the court of *Rome* make use of in their indulto's are clear and strong, *damus*, *concedimus*, *indulgemus*, and carry no such supposition in them as is couched under the Pope's compliment to the doge. Therefore all that looks

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like concession in this whole affair, is the ceremony of marrying the sea, and the gift of the ring; in which he displays his authority, to prevent this *Venetian* ceremony from being treated ever after as superstition, or an abuse of the sacrament; for which reason the Pope, in this respect, uses a term constituent, and not declaratory, *desponsabis mare sicuti vir mulierem*, i. e. *thou shalt marry*; but he does not say, *dominaberis mari*, i. e. *thou shalt govern the sea*. Absolute authority, or dominion, does not follow from that marriage; for other kings do not marry their dominions, yet they possess them. The doge does not marry *Venice*, yet he is master of it; and the Pope marries neither *Rome*, nor the papal see, yet he is the lawful lord of both; so that we must keep to the allegory the Pope made use of, *desponsabis mare sicuti vir mulierem*. The Pope with all his might cannot marry two parties that are averse to matrimony; he may, 'tis true, celebrate the sacrament of marriage, but 'tis absolutely necessary that the consent of the parties be first had, otherwise the marriage, tho' solemniz'd by the Pope himself, cannot stand good. Thus in the present case the Pope has declar'd that the republic of *Venice* may challenge the same authority over the gulph, as the husband may over his own wife; but the sovereignty subsisted before this declaration of it, in the very same manner as consent ought to precede the tying of the marriage-knot.

To

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To return to our subject. This rout cool'd the haughty emperor's courage ; but I know not whether he was vanquish'd more by the *Venetians* frank carriage to him, or by the fortune of their arms. However it was, he yielded to the persuasions of his son, who was sent home upon his parole, accompany'd with twelve *Venetian* noblemen, consented to a treaty, and went to *Venice* to make his peace with the Pope, who, after he had profess'd his hearty repentance of his crime, and kiss'd the holy father's feet, gave him his blessing ; so that he was restor'd at the same time both to the good graces of the common father of the faithful, and to his imperial prerogatives, which he had forfeited by his offence.

After a short stay at *Venice*, during which, those great personages had fresh testimonies of the republic's liberality, becaule they were treated with all the state due to their high rank, those three princes, the Pope, the emperor, and the doge, emulating each other in courtesy, resolv'd at length to go to *Ancona* on board the *Venetian* fleet, in order to reconduct the holy father to his See, and to give reciprocal proofs of a perfect reconciliation. The people, his faithful subjects, came to receive them on the shore with a thousand blessings, and brought drums, banners, chairs, canopies, and flambeaus ; all which the grateful Pope made a present of to the doge, as a testimony of his obligation to the republic ; and the

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doges, his successors, use them to this day on the most solemn occasions. This story confirms the proofs I have already brought of the power and prerogatives of the republic over the gulph, because in the year 1159 they were in a condition to restore a Pope to his See, to vanquish an emperor, and to take revenge for an insult made upon them in the possession of the said sea.

Thus we are come down to the year 1200, about which time the christian princes made a formidable crusado for the conquest of the holy sepulchre. The republic very readily contributed not only their quota, according to treaty, but much more; so that the *French*, *Flemish*, and *Italian* princes, who were the chief parties in that holy war, agreed to begin first with the reduction of *Zara*, thereby to compensate the republic for their efforts and credit in the alliance. This was done with all the ease in the world, and the doge *Dandolo*, who commanded the *Venetian* forces in person, recover'd possession of that rebellious town. While these great armies were in *Dalmatia*, the princes of the holy league comply'd with the earnest solicitations of young *Alexis*, then emperor of *Constantinople*, who, after a conference with his old friend the doge, was admitted into an alliance with those generous princes, who lent him their forces to re-establish him on the throne, from which his rebellious subjects had unjustly depos'd him; and, as an acknowledgement

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ment of this favour, he propos'd several advantageous conditions to them ; the chief of which was, that as soon as he was restor'd, he should gain the consent of the *Greek Church* to own the superiority of the *Latin*. This proposal seem'd of such importance to all those princes, that they agreed among themselves to suspend their voyage to *Palæstina*, and bend their whole force towards the re-establishment of *Alexis*. Therefore they immediately tack'd about to *Constantinople*, and so happily succeeded by their arms and councils, that the rebels were driven out, and their friend *Alexis* restor'd to the empire ; but they no sooner quit- ted the *Bosphorus*, than the traitor *Marsufus* as- sassinated his lawful prince, and arrogantly seiz'd the imperial throne. This infamous out- rage was the reason that the princes of the ho- ly league generously put off their voyage to another time, being resolv'd to take the most notable revenge ; the rather, because they esteem'd it as an insult partly upon them- selves, considering the friendship they had con- tracted with the unhappy *Alexis*, of which they had given signal proofs, by restoring him to his dignity. They conquer'd the rebels a second time, and punish'd their obstinacy by putting the villain *Marsufus* to death. The next thing to be done, then, was to look out for a new emperor ; they consider'd that the fami- lies of the ancient emperors were quite ex- tinct, and that on the other hand there was no

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trusting to any one of the *Greeks*, notwithstanding that in gratitude for their enthroning him, he might enter into an advantageous alliance with them: Therefore they resolv'd at last to chuse one of their own number, to the end that they might be always sure of a constant friend to requite them for the assistance of their arms, and for the dangers to which they expos'd themselves. In order to make this election, they deputed fifteen persons, partly clergymen, partly laymen; some of whom were princes, others private persons, but all qualify'd by some eminent talents or other for the employment they were put upon. Of this number were the doge *Dandolo*, and five *Venetian* nobles. Here now the moderation of the *Venetians* is exceedingly remarkable, because, if they had been pleas'd to give themselves any trouble in the election, they might have got the imperial dignity into their own clutches; having, besides a strong army at hand, six voices that they were sure of to a man, while the other candidates, being disunited by different interests, countries, and genius's, were not in a condition to oppose their party: But their prudence prevail'd over all other considerations; for those illustrious personages wisely consider'd how much it would change the aristocratical constitution of the republic, if one of their subjects should be rais'd to the imperial dignity, which was the first both in rank and time. This consideration made them sacrifice

crifice all their private interests to the public welfare, and to concur readily in the election of *Baldwin*, count of *Flanders*, who, having also the suffrages of the other electors, was, without any difficulty, plac'd on the throne; but the republic had the honour to name the patriarch of *Greece*, who was *Thomas Morosini*. They were possess'd at that time of no less than three eighths of the empire of *Romania*; and therefore to reward several *Venetians*, who had contributed with their swords and purses to this expedition, they gave them several islands in fief. Among these feudatories of the doge of *Venice*, was *Rabano Dalle Careeri*, a *Veronese*, who had the isle of *Negropont* granted to him, as a reward for the vast assistance he gave to the republic. Now, who can dispute the republic's just acquisition of the sovereignty of the gulph, founded on so many titles, considering that, long before this, they were masters of three eighths of the eastern empire, had as much jurisdiction in the city of *Constantinople* itself, as the *French* and the new *Flemish* emperor, and had so many countries at their disposal, that they thought fit to ease their hands of part of them by erecting them into fiefs? Thus were we to trace the sovereignty of the gulph back to remotest antiquity, we shall find that at the very beginning it did not belong to the Pope, because the Popes had no temporal domain for a mark of their dignity, but what some generous lay-princes

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princes were pleas'd in courtesy to give them ; the first of whom, for dignity, power, and antiquity, was *Constantine the Great*. From *Julius Cæsar* to *Nicephorus*, there was but this one emperor of the universe ; and he, not being in a condition to manage and defend that empire by himself, consented to divide it. And if the *Turk* had not seiz'd so great a part of christendom, the emperor of *Constantinople* would have been master at this day of the greatest part of our hemisphere, *Italy* especially. Therefore none but that emperor would have a right in such quality to quarrel with the republic, on pretence of their usurpation of the gulph. And supposing that the division of the empire still subsisted, then the emperor of the east would be the only person concern'd to question their right and title to the gulph, because it would be included in his share, as has already been shewn. If, on the other hand, the possession of any countries remains annex'd to the seat of the empire, this controversy will concern the *Ottoman Port*, as sovereign of the imperial city, and of the far greatest part of that empire. But suppose the *Turk* were to improve his rights not by violence, but by law, it would then be easy to convince him that he has no right, by proving to him how many times the ancient emperors lost it by abandoning it, and how long the republic has been in quiet possession of it. Moreover, we may alledge the acquisition which the republic made of
three

three eighths of the empire, and of part of the imperial city ; therefore 'tis not to be imagin'd but the *Venetians* were already absolute sovereigns of that sea which washes the city of *Venice* ; because, if they had not, they would surely have taken that opportunity to have plac'd the said sovereignty to account in that part which was to be assign'd to them.

When *Alexander the Great* conquer'd *Darius*, he soon made himself master of the best part of his dominions ; and *Darius* being depress'd by the valour and fortune of so great a man, sent his ambassadors to him to sue for peace, offering him, on that condition, all the countries he had conquer'd to that day. *Alexander* smil'd at the offer, and said, that if *Darius* expected a peace, he must yield him up great part of his own dominions ; because whatever he (*Alexander*) was master of before, ought not now to be plac'd to his account as conqueror. Therefore I conclude, that as formerly the gulph made a part of the empire, consider'd either before or after its division, it was always under the jurisdiction of *Constantinople* ; now the republic having acquir'd the half of that city, and little less than half of the dominions depending on it, can it be imagin'd that the gulph, which bounds on those dominions, was not included in that part of the empire which they then acquir'd ?

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The titles upon which the republic found their right of sovereignty over the gulph are so many, and so lawful, that if the same were to be try'd, like the titles of private men, before a scrupulous judge, they would infallibly carry their cause, tho' the Pope should be on the other side of the question, for this reason only that I am now going to mention, which I look upon as *argumentum ad hominem*, and conformable to the ecclesiastical axioms. The Council of *Trent*, *Sess. 25. cap. 9.* ordains, that if any persons be so rash as to appropriate to themselves the dependency of ecclesiastical benefices, by pretending to the right of patronage over them,* “ the justification of such
“ right shall be taken from foundation or do-
“ nation, or prov'd by some authentic act, or
“ by a great number of presentations made at
“ all times; mean while, this must be under-
“ stood of private persons; for as to commu-
“ nities, or universities, which may be more
“ easily suspected to have usurp'd this right,
“ there must be more exact proof still; for
“ that of time immemorial will not avail, if
“ it be not verify'd by presentations, repeated
“ without interruption, for the space of, at
“ least, fifty years.” These are the words of the Council, upon which I argue thus: If the canon will justify a title usurp'd by a community,

* M. Amelot's Translation of the Council of *Trent* is that which is here followed.

nity, who of themselves are very liable to be suspected of usurpation, when the usurper has maintain'd his usurpation for fifty years together over estates, and benefices purely ecclesiastical, who is the silly wretch that will dare be so insolent as to question the right of the republic, who have been in possession not of an ecclesiastic, but of a secular estate, I will not say for fifty, but for five hundred, nay, twice five hundred years? Let them answer this if they can. The same Council in the same Session, *cap.* 19. decrees, * that if a regular monk would fain be excus'd from his vows, on pretence that he took the habit on him, and made the usual profession by force, or alledges any other defect, his complaints shall not be heard after the expiration of this † term. Now what I infer from it is, that if, in the validity of a vow, on the observance, or non-observance of which depends eternal salvation, or damnation, a space of time shall make a thing which is invalid detestable and sacrilegious, such as the violence in the act of embracing a monastic life, not only to become a canonical obligation, but also to have the force of binding us to God (as the canons express it) why should not time

also

* Tho' there's a palpable fault here in the *Italian* copy, yet it was not thought fit to vary from it, that the editor might not be charg'd with having introduc'd corrections of his own head; but whoever examines the history of the Council, will find that 'tis the 19th article of the first chapter of the 25th Session, which is call'd, *The Decree of the Reformation*.

† By this 'tis plain that the whole period has been ill transcrib'd, for the decree of the Council says, *The term of five years after his profession*.

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also be capable of confirming the gulph's subjection to the republic, especially since there have been no valid objections against it for a thousand years past ?

I should here set bounds to this discourse; but perhaps some man of wit will tell me, that I am very much in the wrong to prove the republic's possession of the *Adriatic* sea by force of arguments and reasons, since they have prov'd the said right more than once by the thunder of their canon. I own that's the common style of princes; but to the glory of the republic it must be acknowledg'd, that they give free liberty for disputing even those prerogatives of which they are most tender, which is one very good sign of the justice of their rights.

If I were call'd upon to name any prince, I believe I might venture to say there's not one upon earth that can produce legal proofs of his dominion, and that the only title of all sovereigns is immemorial possession; for ancient possession is a proof that there have been sufficient forces to maintain that possession, and forces are the best arguments that a sovereign can give of the validity of his rights. 'Tis possible there may be some princes in the world that enjoy their estates *bona fide*, which indeed is the case of all the christian princes of our days, who possess theirs by right of fief, by donation, or by inheritance; nevertheless, if their estates were to be traced back to their
origin,

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origin, they would appear to have been gotten by usurpation.

A learned genealogist offer'd his service to a certain king to draw a genealogical tree of his family. He demonstrated that the first king of his royal family was the son of a duke, he the son of a prince, the prince the son of a marquiss, the marquiss the son of a count; and so on; but the king tore his draught in pieces, and forbid him to raise his tree any higher, saying, he feared that if he went on, he would come at last to a peasant. Every man by nature is born free, and would be so always, if the civil law did not put him under a restraint; for the divine law had never set a king over a people, if they themselves had not desir'd him. If one were nicely to scrutinize into the Pope's temporal sovereignty, one would oblige him in the first place to shew the authentic instrument of *Constantine's* donation. Undoubtedly 'tis either quite decay'd by time, or lost by some other accident; but suppose it could be produc'd, one should then examine the contents of it, and see whether the donor was legally possess'd of what he gave; and if so, whether the thing granted was capable of being alienated; for all the dominions which a king is master of are not alienable at his will and pleasure. But all this would not avail to vindicate the Pope from usurpation. *Constantine* held his dominions by no other right than as successor to *Julius Caesar*, and the latter pos-
fessed

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lessed them only as the representative of the Roman republic, his country, of which he aspired to be the sovereign, and not the subject. In fine, the Roman republic was nothing at the beginning but the spoils of *Latium*, and afterwards of the rest of the world. But it being in vain to trace royal power so far back as to its primary source, I shall conclude with the words of *Ecclesiastes*: *I, the preacher, was king over Israel in Jerusalem, and I gave my heart to seek and search out by wisdom concerning all things that are done under the heaven. (This sore travel hath God given to the sons of men, to be exercised therewith.) I have seen all the works that are done under the sun, and behold all is vanity and vexation of spirit.*

When Philip II. among many pretenders to the crown of *Portugal*, after the death of cardinal Henry, the last king, caused a juridical deduction of his rights to that crown to be drawn up, the *Spanish* civilian, who was employ'd in it, closed his learned dissertation with this *nota bene*, that king Philip's title would certainly have been deem'd valid, provided it had been back'd by thirty thousand Foot, and six thousand horse.

The *Salic* law in *France*, and the national law in *England*, are look'd upon as sacred; nevertheless, what are they founded on but custom, and the power of their sovereigns?

When

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When a new Pope is chosen, a week hardly passes over his head but a dozen or two of prophecies are apply'd to him, which are all on a sudden found verify'd in him. Before the election, no body dreamt of 'em; but after the election, every body concludes positively from those predictions that it was so predetermined in the decrees of providence, and that they were bereaved of their senses in not discerning it before-hand. *Plato's* opinion that man's knowledge wholly consists in his memory, is very applicable to the present case. If any one seizes the dominions of another by force, be his title ever so frivolous, yet when he has once got possession, he will find a multitude of pleas and events to justify it. Thus time, which destroys all dominions, serves as the grand basis of the rights of sovereigns. And whoever should in these days call in question the rights of the Pope, the emperor and other kings, because they cannot prove them *ab origine*, would be guilty of equal folly and impertinence. Every one knows, for instance, that the *Swissers* were formerly subjects of the house of *Burgundy*, from whom they revolted; yet, for all this, I can't think that any one would presume to dispute their liberty, because they have enjoy'd it so long with the consent of the whole world. And shall not the republic found their right of possession of the gulph on such long duration of time with equal reason?

[PART II.]

A a

When

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When the president *Jeannin* was sent by *Henry IV.* to the *Dutch*, to persuade them to a truce with *Philip II.* king of *Spain*, the states were very backward to come into it, because it seem'd to them that the terms which the *Spaniards* made use of in the treaty did not import a sufficient acknowledgment of their being a free people; and they concluded that, upon the very next rupture, the *Spaniards* would not fail to treat them again as rebels. The president reply'd, with a frankness more than what is common to courtiers, that where the matter in debate is a house or land, it ought to be left to the pleading of lawyers'; but that states and dominions are to be disputed *vi & armis*, at the point of the sword; and that if in time to come the *Spaniards* should think fit to renew the quarrel, they would not try their cause at the bar, but in the field.

Roger, king of *Sicily*, who, by his valour and good fortune, conquer'd several dominions, caus'd this hexameter to be engrav'd upon the plate of his sword,

Apulus & Calaber, siculus mihi servit & Afer;

for he thought his sword was a better proof of his rights than all the codes in christendom.

The senate sent *Marius* to *Mithridates*, king of *Pontus*, to persuade him to withdraw his troops from the lands of those who were allies to the *Romans*. *Marius* therefore address'd himself

himself to the king in a concise, but pithy oration; to this purpose: "*Mithridates*, says he to him, if you think to do what you list, you must first be sure that the *Romans* are not a match for you; but till then, make no difficulty to obey their orders."

Perhaps the champions of the court of *Rome* will accuse me of relating these several passages of history with a view only to justify violence and usurpation; but the charge would be very unjust, for I have had no other Aim than to state the candor and civility of our conduct in its full light, and have only done what every private man would do in his own case, namely, demonstrated the rights of the republic by proofs and reasons, whereas to have gone after the manner of princes, in the paths already trodden by others, might have been the shortest and most effectual way. If this affair ever comes again upon the stage, whatever I have deliver'd cannot diminish the merits of the cause, for the case is in truth such as I have demonstrated it to be.



The reader is here presented with that very bull of excommunication and interdict against the Venetians, which is so often referred to in the foregoing treatise, and which Father Paul has, in both parts of it, so fully demonstrated to be both unjust and invalid.

PAULUS PAPA V.

Venerabilibus fratribus patriarchis, archiepiscopis, & episcopis, per universum dominium reipublicæ Venetorum constitutis, & dilectis filiis, eorum vicariis in spiritualibus generalibus, necnon universis abbatibus, prioribus, primiceriis, præpositis, archidiaconis, archiprebyteris, decanis, plebanis, & parochialium ecclesiarum rectoribus, aliisque personis in dignitate ecclesiastica constitutis, in eodem dominio existentibus, tam secularibus quam quorumvis ordinum & institutorum regularibus, salutem & apostolicam benedictionem.

Superioribus mensibus ad nostram, & apostolicæ sedis audientiam pervenit, Ducem & Senatum reipublicæ Venetorum, annis elapsis, in eorum consiliis plura ac diversa decreta,

tum

‘ tum sedis apostolicæ auctoritati & ecclesiasticæ
‘ libertati, ac immunitati contraria, tum gene-
‘ ralibus conciliis & sacris canonibus, necnon
‘ Romanorum pontificum constitutionibus re-
‘ pugnantia statuiffe.

‘ Et, inter cætera, sub die vigesima tertia
‘ mensis Maii, anni M.DCII. sumpta occa-
‘ sione ex quadam lite, seu controversia inter
‘ doctorem Franciscum Zabarellam ex una, &
‘ monachos monasterii de Praglia nuncupatos
‘ ordinis Sancti Benedicti, congregationis Cassi-
‘ nensis, alias Sanctæ Justinae de Padua in dice-
‘ cesi Paduana ex altera partibus vertente, in
‘ eorum consilio statuiffe, non solum ut dicti
‘ monachi tunc, aut deinceps ullo unquam
‘ tempore, actionem, per quam sub quovis ti-
‘ tulo, aut colore, in bonis ecclesiasticis emphi-
‘ teoticis, a laicis possessis, præferrentur, præ-
‘ tendere, ac etiam jure prælationis, seu conso-
‘ lidationis directi cum utili dominio, aut ex-
‘ tinctionis lineæ in prima investitura compre-
‘ hensæ, aut alia quavis causa, bonorum præ-
‘ dictorum proprietatem sibi vindicare minime
‘ possent; sed tantummodo jus directi domi-
‘ nii illis præservatum esset, verum etiam, ut
‘ idipsum, quoad cæteras omnes personas eccle-
‘ siasticas, seculares & regulares, monasteria
‘ monialium, hospitalia, & alia loca pia, in eo-
‘ rum temporali dominio existentia, declara-
‘ tum, & firmiter deliberatum censeretur.

‘ Et sub die decima Januarii M.DCIII. ad
‘ superiora quædam consilia, ab eorum majori-

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bus, ut etiam asserebant, habita respicientes,
 quibus cavebatur, ne quisquam, siue sæcula-
 ris, siue ecclesiasticus, in urbe Venetiarum,
 ecclesias, monasteria, hospitalia, atque alias
 religiosas domos & pia loca, sine eorum spe-
 ciali licentia, fundaret & erigeret, in consilio
 rogatorum congregatos, iterum decrevisse, ut
 id eandem in omnibus jurisdictionis eorum lo-
 cis vim obtineret, & præterea exilii, ac per-
 petui carceris, & publicationis fundi, vendi-
 tionisque edificii contra secus facientes, pœ-
 nam edixisse.

Uterius, eosdem Ducem & Senatum, die
 vigesima sexta mensis Martii, anni M.DCV.
 inhærentes alteri decreto, anno M.DXXXVI.
 ab eodem Senatu facto, in quo, ut asserebant,
 erat expresse prohibitum, ne quis, sub certis
 in illo contentis pœnis, in urbe Venetiarum,
 ejusque ducatu, bona immobilia, ad pias cau-
 sas, testamento, seu donatione inter vivos, re-
 linqueret, aut alio quovis titulo alienaret,
 siue ad earum favorem, ultra certum tunc
 expressum tempus obligaret, (quod in illum
 usque diem, ut ibi etiam dicebatur, usu re-
 ceptum & observatum non fuerat :) non mo-
 do iterum id vetuisse, sed expresse etiam pro-
 hibuisse, ne bonorum ejusmodi immobilium
 alienationes in favorem personarum ecclesi-
 asticarum, sine Senatus prædicti licentia fie-
 rent ; ac insuper decretum ipsum, & pœnas
 in eo contentas, per universum eorum domi-
 nium extendisse, & per rectores, & potestates
 civitatum,

‘ civitatum, & locorum sui domini, promul-
‘ gari fecisse; atque bona immobilia omnia,
‘ quæ contra præmissorum formam vendi, aut
‘ quovis modo alienari contingeret, ultra nul-
‘ litatis pœnam, publicari & vendi, eorumque
‘ pretium inter rempublicam ipsam, magistra-
‘ tum exequentem, & ejus ministros, ipsum-
‘ que denunciatores dividi mandasse, & alias,
‘ prout in decretis, & mandatis Ducis, & Se-
‘ natus prædictorum latius dicitur contineri.

‘ Ac præterea, eosdem Ducem & Senatum,
‘ Scipionem Saracenum canonicum Vicentinum,
‘ & Brandolinum Valdemarinum Foro-Juliensem,
‘ abbatem monasterii, seu abbatiæ de Nervesa,
‘ Tarvisinæ diœcesis, personam in dignitate ec-
‘ clesiastica constitutam, ob quædam præten-
‘ siones crimina, in civitate Vicentina, & alibi, per il-
‘ los, ut dicebatur, commissæ, carceri manci-
‘ passe, & mancipatos detinuisse, sub prætextu
‘ quod eis hæc facere liceret, inter alia, ob
‘ quædam, ipsis Duci & reipublicæ, a quibus-
‘ dam Romanis pontificibus, prædecessoribus
‘ nostris concessa, ut asseriebant, privilegia.

‘ Cumque præmissa in aliquibus ecclesiarum
‘ jura, etiam ex contractibus initis, ipsis eccle-
‘ siis competentia auferant, ac præterea, in il-
‘ lis & aliis, sedis apostolicæ & nostræ auctori-
‘ tati, & ecclesiarum juribus, & personarum
‘ ecclesiasticarum privilegiis, præjudicium in-
‘ ferant, ipsamque libertatem, ac immunita-
‘ tem ecclesiasticam tollant: ac ea omnia, in

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‘ ipforum Ducis & Senatus animarum pern-
‘ ciem, & scandalum plurimorum tendant.

‘ Et cum ii, qui supradicta, & similia edere,
‘ & promulgare, illisque uti ausi sunt, in cen-
‘ suras ecclesiasticas, a sacris canonibus, gene-
‘ ralium conciliorum decretis, & Romanorum
‘ pontificum constitutionibus inflictas, necnon
‘ etiam privationis feudorum, & bonorum, si
‘ quæ ab ecclesiis obtinent, pœnam, eo ipso
‘ incurrerint, a quibus censuris & pœnis, non
‘ nisi a nobis, aut Romano pontifice pro tem-
‘ pore existente, absolvi & liberari possint, ac
‘ præterea inhabiles & incapaces sint, qui ab-
‘ solutionis & liberationis beneficium conse-
‘ quantur, donec editas leges, novis edictis,
‘ atque decretis sustulerint, omniaque inde se-
‘ quuta reipsa in pristinum statum reintegra-
‘ verint.

‘ Cumque etiam Dux & Senatus prædicti,
‘ post plures paternas nostras monitiones, a
‘ multis mensibus citra eis factas, adhuc decre-
‘ ta, & edicta præfata non revocaverint, ac
‘ eosdem canonicum Saracenum, & abbatem
‘ Brandolinum carceratos detineant, & illos ve-
‘ nerabili fratri Horatio episcopo Hieracensi,
‘ nostro & apostolicæ sedis apud eos nuncio, ut
‘ debebant, non consignaverint : Nos, qui nullo
‘ pacto ferre debemus, ut ecclesiastica libertas,
‘ & immunitas, nostraque & sedis apostolicæ
‘ auctoritas violetur & contemnatur ; inhæren-
‘ tes plurium generalium conciliorum decretis
‘ ac vestigiis reverendæ memoriæ Innocentis III.

‘ Hono-

‘ Honorii III. Gregorii IX. Alexandri IV. Cle-
‘ mentis IV. Martini IV. Bonifacii VIII. Bo-
‘ nifacii IX. Martini V. & Nicolai V. & alio-
‘ rum Romanorum pontificum prædecessorum
‘ nostrorum, quorum aliqui similia statuta,
‘ alias contra libertatem ecclesiasticam edita,
‘ tanquam ipso jure nulla, invalida & irrita re-
‘ vocarunt, ac nulla, invalida & irrita esse de-
‘ creverunt & declararunt; & aliqui contra
‘ similibus edictorum statutarios, & alios ad
‘ excommunicationis promulgationem, necnon
‘ ad alia infra scripta, seu eorum aliqua deve-
‘ nerunt.

‘ Habita cum venerabilibus fratribus nostris,
‘ sanctæ Romanæ ecclesiæ cardinalibus matura
‘ consultatione, de ipsorum consilio & assensu,
‘ licet supradicta decreta, edicta & mandata,
‘ ipso jure nulla, invalida & irrita sint, ea ni-
‘ hilominus ipso jure adhuc de novo nulla, in-
‘ valida & irrita, nulliusque roboris, & mo-
‘ menti fuisse, & esse, & neminem ad illorum
‘ observantiam teneri, per præsentis decerni-
‘ mus, & declaramus.

‘ Et insuper, autoritate omnipotentis Dei,
‘ ac beatorum Petri & Pauli apostolorum ejus
‘ ac nostra, nisi Dux & Senatus prædicti, intra
‘ viginti quatuor dies, a die publicationis præ-
‘ sentium in hac alma urbe faciendæ, compu-
‘ tandos, quorum primos octo pro primo, octo
‘ pro secundo, & reliquos octo pro tertio &
‘ ultimo, ac peremptorio termino, & pro mo-
‘ nitione canonica, illis assignamus, prædicta de-
‘ creta

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creta omnia, & in illis contenta, & inde se-
 quuta quæcunque, omni prorsus exceptione
 & exculpatione cessante, publice revocaverint,
 & ex eorum archiviiis, seu capitularibus locis,
 aut libris, in quibus decreta ejusmodi annota-
 ta reperiuntur, deleri, & cassari, & in locis
 ejusdem domini, ubi promulgata fuerunt, re-
 vocata, deleta, & cassâ esse, neminemque ad
 illorum observantiam teneri, publice nunci-
 ari, ac omnia inde sequuta in pristinum sta-
 tum restitui fecerint, & ulterius nisi a simili-
 bus decretis contra libertatem, immunitatem,
 & jurisdictionem ecclesiasticam, ac nostram,
 & sedis apostolicæ auctoritatem, ut præfertur,
 facientibus edendis, & respective faciendis in
 posterum cavere & pœnitus abstinere promi-
 serint, ac nos de revocatione, deletione, cas-
 satione, nunciatione, restitutione, ac promif-
 sione prædictis certiores reddiderint, & nisi
 etiam prædictos Scipionem canonicum, &
 Brandolinum abbatem, prædicto Horatio
 episcopo & nuncio cum effectu consignaverint,
 seu consignari fecerint, ipsos tunc, & pro
 tempore existentem Ducem & Senatum rei-
 publicæ Venetorum, statutarios, & eorum
 fautores, consultores, & adhærentes, & eo-
 rum quemlibet, etiamsi non sint specialiter
 nominati, quorum tamen singulorum nomi-
 na & cognomina, præsentibus pro expressis
 haberi volumus, ex nunc prout ex tunc, & e-
 contra excommunicamus, & excommunica-
 tos nunciamus, & declaramus : a qua excom-
 muni-

‘ municationis sententia, præterquam in mortis
‘ articulo constituti, ab alio, quam a nobis,
‘ & Romano pontifice pro tempore existente,
‘ etiam prætextu cujuscunque facultatis, eis,
‘ & cuilibet illorum, tam in genere quam in
‘ specie, pro tempore desuper concessæ, seu
‘ concedendæ, nequeant absolutionis benefi-
‘ cium obtinere : & si quempiam eorum, tan-
‘ quam in tali periculo constitutum, ab ejus-
‘ modi excommunicationis sententia absolvi
‘ contigerit, qui postmodum convaluerit, is in
‘ eandem sententiam reincidat eo ipso, nisi man-
‘ datis nostris, quantum in se erit, paruerit :
‘ & nihilominus, si obierit, post obtentam hu-
‘ jusmodi absolutionem, ecclesiastica careat se-
‘ pultura ; donec mandatis nostris paritum
‘ fuerit.

‘ Et si dicti Dux & Senatus per tres dies, post
‘ lapsum dictorum viginti-quatuor dierum,
‘ excommunicationis sententiam, animo, quod
‘ absit, sustinuerint indurato, sententiam ipsam
‘ aggravantes, ex nunc pariter prout ex tunc,
‘ civitatem Venetiarum, & alias civitates, ter-
‘ ras, oppida, castra, & loca quæcunque, ac
‘ univrsum temporale dominium dictæ rei-
‘ publicæ, ecclesiastico interdicto supponimus,
‘ illamque & illud supposita esse nunciamus, &
‘ declaramus, quo durante, in dicta civitate
‘ Venetiarum & aliis quibuscunque dicti domi-
‘ nii civitatibus, terris, oppidis, castris & locis,
‘ illorumque ecclesiis, ac locis piis, & orato-
‘ riis, etiam privatis, & domesticis capellis, nec
‘ publice,

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‘ publice, nec privatim, missæ tam solemnes,
 ‘ quam non solemnes, aliaque divina officia
 ‘ celebrari possint, præterquam in casibus a
 ‘ jure permissis, & tunc in ecclesiis tantum &
 ‘ non alibi, & in illis etiam januis clausis, non
 ‘ pulsatis campanis, ac excommunicatis &
 ‘ interdictis prorsus exclusis: neque aliter quæ-
 ‘ cunque indulta, & privilegia apostolica, quo-
 ‘ ad hoc quibuscunque, tam secularibus quam
 ‘ regularibus ecclesiis, etiam quantumcunque
 ‘ exemptis, & apostolicæ sedi immediate sub-
 ‘ jectis, etiam si de ipsorum Ducis & Senatus
 ‘ jure patronatus, etiam ex fundatione, & do-
 ‘ tatione, aut etiam ex privilegio apostolico
 ‘ existant, ac etiam si tales sint quæ sub gene-
 ‘ rali dispositione non comprehendantur, sed de
 ‘ illis specialis, & individua mentio habenda
 ‘ sit. Monasteriis, ordinibus, etiam mendi-
 ‘ cantium, aut institutis regularibus, eorumque
 ‘ primiceriis, prælatis, superioribus, & aliis
 ‘ quibuscunque etiam particularibus personis,
 ‘ aut piis locis, & oratoriis etiam domesticis,
 ‘ ac capellis privatis, ut præfertur, in genere
 ‘ vel in specie, sub quibuscunque tenoribus, &
 ‘ formis hætenus concessa, & in posterum con-
 ‘ cedenda, ullatenus suffragentur.

‘ Ac ulterius, eosdem Ducem & Senatum, &
 ‘ quemlibet eorum non solum reipublicæ, sed
 ‘ etiam privato nomine, si aliqua bona eccle-
 ‘ siastica in feudum, seu alias, quovis modo a
 ‘ Romana, aut vestris, seu aliis ecclesiis con-
 ‘ cessa, obtineant, illis feudis & bonis, necnon
 ‘ etiam omnibus, & quibuscunque privilegiis, &
 ‘ indultis,

‘ indultis, in genere vel in specie, in quibus-
‘ dam videlicet casibus & delictis contra cleri-
‘ cos procedendi, illorumque causas, certa for-
‘ ma præscripta, cognoscendi, a Romanis pon-
‘ tificibus prædecessoribus nostris forsan quo-
‘ modolibet concessis, ex nunc similiter, pro-
‘ ut ex tunc, & e contra privamus, ac priva-
‘ tos fore, & esse nunciamus & decernimus.

‘ Et nihilominus, si ipsi Dux, & Senatus in eo-
‘ rum contumacia diutius perstiterint indurati,
‘ censuras & pœnas ecclesiasticas contra illos,
‘ eisque adhærentes, & in præmissis, quovis
‘ modo faventes, aut auxilium, consilium &
‘ favorem præstantes, etiam iteratis vicibus
‘ aggravandi, & reaggravandi, aliasque etiam
‘ pœnas contra ipsos Ducem & Senatum decla-
‘ randi, & ad alia opportuna remedia, juxta
‘ sacrorum canonum dispositionem, contra eos
‘ procedendi facultatem nobis, & Romanis
‘ pontificibus successoribus nostris, nominatim
‘ & in specie reservamus. Nonobstantibus
‘ quibusvis constitutionibus, & ordinationibus
‘ apostolicis, necnon privilegiis, indultis, &
‘ literis apostolicis eidem Duci & Senatui, aut
‘ quibusvis aliis personis, in genere vel in spe-
‘ cie, præsertim quod interdicti, suspendi, vel
‘ excommunicari non possint, per literas apo-
‘ stolicas, non facientes plenam & expressam,
‘ ac de verbo ad verbum, de indulto hujus-
‘ modi mentionem, ac, alias sub quibuscunque
‘ tenoribus, & formis, & cum quibusvis etiam
‘ derogatoriis derogatoriis, aliisque effica-
‘ cioribus,

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‘cioribus, & insolitis clausulis, ac irritantibus,
 ‘& aliis decretis, ac in specie cum facultati-
 ‘bus absolvendi in casibus, nobis, & aposto-
 ‘licæ sedis reservatis, illis quovis modo, per
 ‘quoscunque Romanos pontifices, ac nos & se-
 ‘dem apostolicam, in contrarium præmisso-
 ‘rum concessis, confirmatis & approbatis :
 ‘quibus omnibus & singulis, & aliis supra ex-
 ‘pressis, eorum tenores præsentibus pro ex-
 ‘pressis habentes, hac vice dumtaxat specia-
 ‘liter, & expresse derogamus, cæterisque con-
 ‘trariis quibuscunque.

‘ Ut autem præsentis nostræ literæ ad om-
 ‘nium majorem notitiam deducantur, vobis,
 ‘& cuilibet vestrum, per eandem præsentem com-
 ‘mittimus, & in virtute sanctæ obedientiæ, &
 ‘sub divini interminatione judicii, necnon sub
 ‘interdicti ingressus ecclesiæ, ac suspensionis a
 ‘pontificalium exercitio, ac fructuum mensa-
 ‘rum patriarchalium, archiepiscopalium &
 ‘episcopalium perceptione, quoad vos fratres
 ‘patriarchæ, archiepiscopi, & episcopi, ac e-
 ‘tiam privationis dignitatum, beneficiorum,
 ‘& officiorum ecclesiasticorum quorumcun-
 ‘que, quæ obtinueritis, ac etiam vocis activæ
 ‘& passivæ, ac inhabilitatis ad illa, & alia in
 ‘posterum obtinenda ; quoad vos filii vicarii,
 ‘& alii supradicti, eo ipso incurrendis, aliisque
 ‘arbitrio nostro infligendis pœnis districtè præ-
 ‘cipiendo mandamus, ut per vos, vel alium,
 ‘seu alios, præsentis literas, postquam eas re-
 ‘ceperitis, seu earum notitiam habueritis, in
 ‘vestris

‘ vestris quisque ecclesiis, dum major in eis
‘ populi multitudo ad divina convenerint, ad
‘ majorem cautelam, solemniter publicetis, &
‘ ad Christi fidelium notitiam deducatis, nec-
‘ non ad earundem ecclesiarum vestrarum val-
‘ vas affigi, & affixas dimitti faciatis. Et
‘ ulterius volumus, ut præsentium transumptis,
‘ etiam impressis, manu alicujus notarii pub-
‘ lici subscriptis, & sigillo personæ in digni-
‘ tate ecclesiastica constitutæ, munitis, eadem
‘ prorsus fides ubique habeatur, quæ ipsis præ-
‘ sentibus haberetur, si forent exhibitæ, vel
‘ ostensæ, quodque eadem præsentis, sive illa-
‘ rum exempla, etiam ut præfertur impressa,
‘ ad ecclesiæ Lateranensis, & Basilicæ prin-
‘ cipis apostolorum, & Cancellariæ nostræ
‘ apostolicæ valvas & in acie campi Floræ,
‘ ut moris est, affixæ, & publicatæ, eosdem
‘ Ducem & Senatum, ac alios quoscunque
‘ prædictos, vosque etiam universos, & sin-
‘ gulos, respectively perinde afficiant, ac si
‘ eorum ac vestrum cuilibet personaliter di-
‘ rectæ, intimatæ, & præsentatæ fuissent. Da-
‘ tum Romæ, apud Sanctum Petrum, sub
‘ annulo piscatoris, die decima septima Apri-
‘ lis anni millesimi sexcentissimi sexti, Pon-
‘ tificatus nostri anno primo.

M. Vestrinus Barbianus.

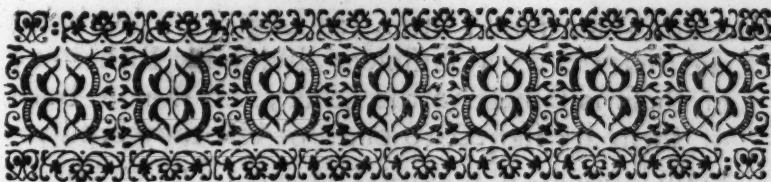
‘ Anno a nativitate domini nostri Jesu
‘ Christi, 1606. Indictione quarta, die vero
‘ decima septima mensis Aprilis, pontificatus
‘ sanctissimi

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‘ sanctissimi in Christo patris, & domini no-
 ‘ stri, domini Pauli, divina providentia Pa-
 ‘ pæ V. anno ejus primo, supradictæ literæ,
 ‘ earumque exempla impressa, affixa, & pub-
 ‘ licata fuerunt ad valvas ecclesiæ Lateranensis,
 ‘ ac Basilicæ principis apostolorum, & Cancel-
 ‘ lariæ apostolicæ, necnon acie campi Floræ, ut
 ‘ moris est, per nos Christophorum Fundatum,
 ‘ & Joannem Dominicum de pace, apostolicos
 ‘ cursores.

*Petrus Aloysius Peregrinus;
 Cursorum Magister.*





A P P E N D I X.



N the collection of Father Paul's Letters (which was printed near thirty years ago for Mr. Chifwell) there's one directed to M. Gillot, a worthy protestant, and one of the French King's council in the Parliament of Paris; in which the Father gives his opinion of ecclesiastic and civil government, of the use of the word [Power] in the Church, and of the so much controverted text, *My kingdom is not of this world*. And because this letter in general bears an affinity to the subject of the foregoing treatise, and may be of use for explaining the said text, it is thought fit to insert an extract of it, as follows. N. B. The letter is dated from Venice, December 1, 1609.

“ I have carefully read over the *Considerations* of
“ your famous divine M. Richier, who has learned-
“ ly and solidly manag'd the whole Argument, by
“ one only distinction. He says there are two several
“ powers in one and the same christian common-
“ wealth, the ecclesiastic and the kingly or civil
“ power, neither of which is subject to the other;
“ but both of them are subject to God. I am afraid
“ this is to make the Commonwealth have two
“ heads

“ heads; for now I must, as Logicians do, bring
 “ the matter to a sufficient division: Either one
 “ of these is subject to the other; or if not, both
 “ of them are subject to one; or else they both re-
 “ main supreme, and neither by turns, nor any other
 “ way, are subject to one another. He that will
 “ assert this last will make a monster of govern-
 “ ment, that will not continue; and I believe that
 “ for this very reason *England* and *Germany* were not
 “ able to keep in their former state. But he that
 “ will go about to make both subject to one, if it
 “ be to any humane Power, 'tis well, and I will not
 “ dispute it, but shall be satisfied in it; but if it
 “ be to a divine power, he will never avoid the
 “ monster I was speaking of. But if either be sub-
 “ ject to the other, 'tis well.

“ Our *Romanists* will have the royal power to be
 “ subject to the papal, and to make one christian
 “ commonwealth, and the Pope to be head of it.
 “ Whoever allows this, must make Kings no more
 “ than clients and beneficiaries; nay farther do, by
 “ their opinion, make them precarious tenants, that
 “ hold of the Pope of *Rome*. For they think that
 “ Kings may not only be deprived for their faults,
 “ but for any other reason of the Church's profit
 “ and good; wherein, as the Pope is made judge,
 “ he only is the Prince, according to these prin-
 “ ciples, that has majesty and sovereignty belong-
 “ ing to him. And why ought I not to infer and argue
 “ thus, when Pope *Clement V* did decree, that an
 “ oath of fidelity to him should be taken by the
 “ Emperor? And you must not say that this is a
 “ singular case concerning the Emperor, and that
 “ other Kings swear no such thing to the Pope; for
 “ then you will have to do with *Bellarmino*, who,
 “ disputing at this time with his majesty of *Great*
 “ *Britain*, would have us think that there is I know

“ not

“ not what *secret* oath made to the Pope in the
 “ baptism of Kings; but he will find an *express*
 “ oath taken by them at their inauguration, when
 “ they swear to the people; and from hence there
 “ will arise another sort of conclusion.

“ I have seen the Duke of *Nivers*’s oration for
 “ the King, printed at *Rome*, where the word obe-
 “ dience is never named but in great letters. But
 “ must it be so then, that the ecclesiastic power is
 “ to be subject to the kingly? I am contented with
 “ it; for then the Church will fare just as it did in
 “ *Justinian*’s time. No man can better learn what
 “ the government of the Church was, than by reading
 “ the novel constitutions of his making, only *that*
 “ is to be explained after what manner it may be
 “ that the christian religion may not be a worldly
 “ thing, when it is made subject to worldly and po-
 “ litic power. Concerning power ecclesiastical I
 “ have distinguish’d thus; that one part of it be-
 “ longs to the kingdom of Heaven, the other con-
 “ cerns the external government and discipline of it.

“ I do not speak of powers abstractedly, or as to
 “ the essence of them, but after the *Italian* way of
 “ speech, as we call him that is chief in a city the
 “ *Podesta*. And that I may explain my sense of it
 “ further, it must needs be, unless we will have a
 “ Kingdom to be a monster in point of government,
 “ that either the King must be subject to the Pri-
 “ mate, or the Primate subject to him; and so I
 “ avoid all abstractedness by those words. M.
 “ *Richier* did ingeniously decline the absurdity;
 “ when he says, that they are both of ’em so affec-
 “ ted and co-ordinated, that they mutually help
 “ each other; and that God has seen it fitting
 “ that they should both be link’d together by mu-
 “ tual helps as so many bonds; and that the Pri-
 “ mate has power over the King in censures, and

“ the King power over him in punishments ; and
 “ that this is the sense of the canon *Duo sunt*, dist.
 “ 96. But the difficulty which I had at first does
 “ not seem to be removed by what has been said,
 “ but grows stronger. For what if the King and
 “ Primate should both take the same matter to
 “ themselves, and the Primate make use of his
 “ censures against the King, and the King on the
 “ other side make use of his punishments upon the
 “ Primate ? Would not the commonwealth be dis-
 “ turb’d at this ? Let us suppose for instance the *Ve-*
 “ *netian* controversy. The King says that church-
 “ men have too much lands already, and that it is
 “ not for the good of the commonwealth that they
 “ get any more. The Primate by his censures will
 “ have the King to revoke this edict. What now if
 “ the King should take from the Primate his life and
 “ estate ? And now you see the monstrous form of
 “ such a commonwealth. I should willingly tell
 “ *M. Richier* that they cannot be link’d together by
 “ any way, bonds, or ties, unless one of the two
 “ be wholly, and in all things, subject to the other :
 “ For divide the offices of the commonwealth into
 “ a thousand parts, and give the King nine hundred
 “ of them, and yet make the King inferior to the
 “ Primate in the odd hundred that remains, and
 “ with that last tenth part he will be able to trample
 “ upon the King, and get into his hands all the
 “ other nine. We find this by experience ; where a
 “ magistrate has a casting vote, and is unaccount-
 “ able, he presently makes the administration of
 “ the commonwealth his own ; for when any thing
 “ happens which he has a mind to take cognisance
 “ of, he declares that to be in his power, and to
 “ be so without further appeal. That the Bishop
 “ should mutually assist the Governor, and the Go-
 “ vernor him, is good and profitable, if both be
 “ under

“ under the King: A middle way of serving or
 “ commanding the King I see none. I once said
 “ there are some things which mutually help each
 “ other, as a Commander of soldiers in ships, and
 “ a sea Captain; the sea Captain is under him
 “ when they come to fight; the Commander under
 “ him as to matter of sailing and working his
 “ ship. But then I said again, this is not amiss, if
 “ both are under the King. But here you may say
 “ that the King himself commands the soldiers at
 “ sea; and he even in matters of navigation is not
 “ under the Captain or Admiral; and you will tell
 “ me, will not the King obey him, when he has
 “ given him his place in the ship for his own safe-
 “ ty? Shall not the Admiral or Captain here com-
 “ mand the King? Yes he must; but the reason is,
 “ because the King in this case brings himself un-
 “ der command; and he that commands him must
 “ be commanded by him, because his right of com-
 “ mand depends upon the King; and if the Admi-
 “ ral commands the King by any other power but
 “ his own, the King is turned out of his power,
 “ and the Admiral turned rebel.

“ In a word, majesty admits no mutuality; but
 “ all power must depend on him, and be under
 “ him. Nothing must be greater than the King;
 “ nothing must be equal with him; if you are ex-
 “ empted from him, if he stands in need of preca-
 “ rious help, he has no kingdom. Here I meddle
 “ not with persons; for *Lucius* and *Marcus* were on-
 “ ly one *Roman* emperor, and the *Venetian* nobility
 “ makes but one prince. And *M. Richier's* example
 “ taken from the goldsmith and the coiner is not
 “ current; but as both of them are under the
 “ prince or people, who set the price on the metals
 “ they work upon, make them but subject to none,
 “ and

“ and presently they will be at a loss about the value of the bullion.

“ As to *the kingdom of Heaven*, Christ is a Priest and King without doubt: *He hath made us all*, says St. Peter, *Priests and Kings*; that is, he hath made his Church a royal Priesthood, by making his ministers partakers of the royal and priestly power. Admit this, he hath made his stewards and Ministers Viceroyes in his absence, this is certain. *As my father sent me*, says he, *so send I you*; but *that power is not of this world*; it belongs to the kingdom of Heaven; it neither receives nor gives any thing of mutual help from or to an earthly King. And there is no wonder in all this, for they do not walk together, they cannot meet together. Christ’s minister and vicar has his conversation in Heaven, from whence we look for Christ the saviour, *Philipp. 3.* The King of France has no diminution of power, because his dominion does not reach up to the seven stars. The kingdom of Heaven is further off from the French nation than those stars are. *The kingdom of Heaven is within you*, says Christ, *St. Luke 17.* But whether an earthly prince does any thing towards the kingdom of Heaven, he will be best able to say, who learns by history how much more it thrived under *Dioclesian* than under *Constantine*. No body comes after Christ but one that takes up his cross.

“ The kingdom of Heaven begun by the cross, ’tis augmented and perfected by the cross; not but that the Church may flourish under peace; but because God doth sometimes plant it by the favours of princes, and sometimes plant and increase it by persecutions, *thro’ honour and dishonour, by evil report and good report, 2 Cor. 6. all things work together for good to those that love God: I have*
“ not

“ not took the word of the *Kingdom of Heaven* as
 “ meant of the Church [here below,] and so I con-
 “ ceive the scriptures teach me to understand it.

“ They are Christ’s ministers who have the keys
 “ of the kingdom committed to them: No body
 “ can say properly, that he who keeps the keys of
 “ the house is the house itself: And those words in
 “ *St. John’s Revelations, Thou hast made us unto our*
 “ *God Kings and Priests, and we shall reign on the earth,*
 “ are not only spoken of his ministers, but of all else
 “ of every tribe, language, people, and nation, that
 “ are cleansed and redeemed by the blood of Christ.
 “ But I never dispute willingly about names. Let
 “ it be so, that as when we speak of the kingdom
 “ of *France*, we do not only mean the people, but
 “ superior order of men, and the King himself; so
 “ let it be understood of the Church, that upon
 “ that reason it may not only be *all of it* call’d the
 “ kingdom of Heaven, but let those who govern it
 “ enjoy that title too. Yet for all this it would be
 “ but ill for the kingdom of *France*, if the second
 “ signification being not laid aside, and retained no
 “ further than the name or word goes, all others
 “ should have no manner of right or property left
 “ them in the kingdom; for what there is appoin-
 “ ted in the canon * *Bene quidem, Dist. 96.* is very
 “ manifest of itself.

“ When the title of Vice-God was first given to
 “ the Pope by the *Vatican* courtiers, the flattery
 “ began to look so gross, that it was three months
 “ under the considerations of the cardinals, who
 “ were presidents of the inquisition, who debated a
 “ little about reproving and discountenancing that
 “ blasphemous new complement. But here the Pope
 “ clapt

* Which forbid’s all lay-men to dispose of any ecclesiastic
 matt:..

“ clapt in with his wisdom above theirs, made
 “ them know that he liked the title, and would have
 “ no man deny’d liberty of conscience that had a
 “ mind to bestow it on him.

“ The thing that you are debating with yourself,
 “ whether the name of *Power* in the Church be ad-
 “ mittable or no, is really worthy of your thoughts.
 “ No body should much need to regard words and
 “ names, but that evil and perverse men do by abu-
 “ sing them, abuse things also; as when once they
 “ engrossed the name of *Church* to themselves, they
 “ presently seized upon those goods and estates
 “ which belong’d to the whole Church, and were
 “ only in the dispensation of the ministers of it, as
 “ their own proper inheritance, and shut out every
 “ body else from any right of meddling with them.

“ Though I am a man that exceedingly hate the
 “ abuse of the word *Power*, yet I think it may be
 “ safely used; because the apostle, 2^d Cor. doth
 “ twice use the word *ἐξουσία*; and in the first epistle
 “ uses a verb, made of that noun, in a sense of com-
 “ manding and governing; tho’ before I knew so
 “ much as I do now, I used to speak more freely
 “ as to the ecclesiastic ministry: But those of *Rome*
 “ have made me to be drawn in *effigy* in hell, be-
 “ cause I did not allow them a coercive power over
 “ Sovereign Princes, nor over *any body else*, but by
 “ some *grant* of those Princes. — For some men
 “ are so prepossessed with darling opinions, such
 “ *δοξολάτραι*, or worshipers of their own imagina-
 “ tions, that they are presently offended, if a man
 “ do not speak very softly against them, who never-
 “ theless are not worth offending; because, whether
 “ they are deceived by others, or do deceive them-
 “ selves, there is no getting them out of the fetters
 “ of those opinions.

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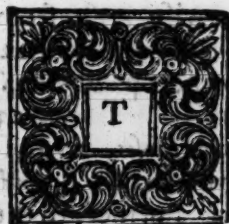
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